

APPENDIX

TO THE HISTORY OF THE THIRTEENTH CONGRESS.

[THIRD SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

GREAT BRITAIN—RETALIATION.

[Communicated to Congress, the 26th day of September, 1814.]

To the Senate and House of Representatives of the United States :

I transmit to Congress, for their information, copies of a letter from Admiral Cochrane, commanding His Britannic Majesty's naval forces on the American station, to the Secretary of State, with his answer, and a reply from Admiral Cochrane.

JAMES MADISON.

SEPTEMBER 26, 1814.

Vice Admiral Sir Alexander Cochrane to Mr. Monroe.
HIS BRITANNIC MAJESTY'S SHIP THE
TONNANT, PATUXENT RIVER,
August 18, 1814.

SIR: Having been called upon by the Governor General of the Canadas to aid him in carrying into effect measures of retaliation against the inhabitants of the United States for the wanton destruction committed by their army in Upper Canada, it has become imperiously my duty, conformably with the nature of the Governor General's application, to issue to the naval force under my command, an order to destroy and lay waste such towns and districts upon the coast as may be found assailable.

I had hoped that this contest would have terminated without my being obliged to resort to severities which are contrary to the usage of civilized warfare, and as it has been with extreme reluctance and concern that I have found myself compelled to adopt this system of devastation, I shall be equally gratified if the conduct of the Executive of the United States will authorize my staying such proceedings, by making reparation to the suffering inhabitants of Upper Canada, thereby manifesting that, if the destructive measures pursued by their army were ever sanctioned, they will no longer be permitted by the Government. I have the honor to be, &c.

ALEX. COCHRANE,

Vice Admiral, Commander, &c.

HON. JAMES MONROE.

13th CON. 3d Sess.—41

Mr. Monroe to Sir Alexander Cochrane, Vice Admiral, &c.

DEPARTMENT OF STATE,
September 6, 1814.

SIR: I have had the honor of receiving your letter of the 18th of August, stating that, having been called on by the Governor General of the Canadas, to aid him in carrying into effect measures of retaliation against the inhabitants of the United States for the wanton desolation committed by their army in Upper Canada, it has become your duty, conformably with the nature of the Governor General's application, to issue to the naval force under your command an order to destroy and lay waste such towns and districts upon the coast as may be found assailable.

It is seen, with the greatest surprise, that this system of devastation, which has been practised by the British forces, so manifestly contrary to the usage of civilized warfare, is placed by you on the ground of retaliation. No sooner were the United States compelled to resort to war against Great Britain, than they resolved to wage it in a manner most consonant to the principles of humanity, and to those friendly relations which it was desirable to preserve between the two nations after the restoration of peace. They perceived, however, with the deepest regret, that a spirit, alike just and humane, was neither cherished nor acted on by your Government. Such an assertion would not be hazarded if it was not supported by facts, the proof of which has, perhaps, already carried the same conviction to other nations that it has to the people of these States. Without dwelling on the deplorable cruelties committed by the savages in the British ranks, and in British pay, at the river Raisin, which, to this day, has never been disavowed or atoned for, I refer, as more immediately connected with the subject of your letter, to the wanton desolation that was committed at Havre-de-Grace and at Georgetown, early in the Spring of 1813. These villages were burnt and ravaged by the naval forces of Great Britain, to the ruin of their unarmed inhabitants, who saw, with astonishment, that they derived no protection to their property from the laws of war. During the same season,

Relations with Great Britain.

scenes of invasion and pillage, carried on under the same authority, were witnessed all along the waters of the Chesapeake, to an extent inflicting the most serious private distress, and under circumstances that justified the suspicion that revenge and cupidity, rather than the manly motives that should dictate the hostility of a high-minded foe, led to their perpetration. The late destruction of the houses of the Government in this city is another act which comes necessarily into view. In the wars of modern Europe, no example of the kind, even among nations the most hostile to each other, can be traced. In the course of ten years past, the capitals of the principal Powers of the continent of Europe have been conquered, and occupied alternately by the victorious armies of each other, and no instance of such wanton and unjustifiable destruction has been seen. We must go back to distant and barbarous ages to find a parallel for the acts of which I complain.

Although these acts of desolation invited, if they did not impose on the Government the necessity of retaliation, yet in no instance has it been authorized.

The burning of the village of Newark in Upper Canada, posterior to the early outrages above enumerated, was not executed on that principle. The village of Newark adjoined Fort George, and its destruction was justified by the officers who ordered it, on the ground that it became necessary in the military operations there. The act, however, was disavowed by the Government. The burning which took place at Long Point was unauthorized by the Government, and the conduct of the officer subjected to the investigation of a military tribunal. For the burning at St. David's, committed by stragglers, the officer who commanded in that quarter was dismissed, without a trial, for not preventing it.

I am commanded by the President distinctly to state, that it as little comports with any orders which have been issued to the military and naval commanders of the United States, as it does with the established and known humanity of the American nation, to pursue a system which it appears you have adopted. This Government owes it to itself, to the principles which it has ever held sacred, to disavow, as justly chargeable to it, any such wanton, cruel, and unjustifiable warfare.

Whatever unauthorized irregularities may have been committed by any of its troops, it would have been ready, acting on these principles of sacred and eternal obligation, to disavow, and, as far as might be practicable, to repair. But, in the plan of desolating warfare which your letter so explicitly makes known, and which is attempted to be excused on a plea so utterly groundless, the President perceives a spirit of deep-rooted hostility, which, without the evidence of such facts, he could not have believed existed, or would have been carried to such an extremity.

For the reparation of injuries, or whatever nature they may be, not sanctioned by the law of nations, which the military and naval force of

either Power may have committed against the other, this Government will always be ready to enter into reciprocal arrangements. It is presumed that your Government will neither expect nor propose any which are not reciprocal.

Should your Government adhere to a system of desolation, so contrary to the views and practice of the United States, so revolting to humanity, and repugnant to the sentiments and usages of the civilized world, whilst it will be seen with the deepest regret, it must and will be met with a determination and constancy becoming a free people contending in a just cause for their essential rights and dearest interests.

I have the honor to be, &c.

JAMES MONROE.

Sir ALEXANDER COCHRANE,
Vice Admiral, Commander, &c.

Vice Admiral Sir Alexander Cochrane to Mr. Monroe.

HIS BRITANNIC MAJESTY'S SHIP
TONNANT, IN THE CHESAPEAKE,
September 19, 1814.

SIR: I have had the honor to receive your letter of the 6th instant this morning, in reply to the one which I addressed to you from the Patuxent.

As I have no authority from my Government to enter upon any kind of discussion relative to the points contained in your letter, I have only to regret that there does not appear to be any hope that I shall be authorized to recall my general order; which has been further sanctioned by a subsequent request from Lieutenant General Sir George Prevost.

A copy of your letter will this day be forwarded by me to England, and, until I receive instructions from my Government, the measures which I have adopted must be persisted in, unless remuneration be made to the inhabitants of the Canadas for the injuries they have sustained from the outrages committed by the troops of the United States.

I have the honor to be, yours, &c.

ALEX. COCHRANE,
Vice Admiral, Commander, &c.

Hon. JAMES MONROE.

GREAT BRITAIN.

[Communicated to Congress, October 10th and 14th, and December 1, 1814.]

To the Senate and House of
Representatives of the United States:

I lay before Congress communications just received from the Plenipotentiaries of the United States charged with negotiating peace with Great Britain, showing the conditions on which alone that Government is willing to put an end to the war.

The instructions to those Plenipotentiaries, disclosing the grounds on which they were authorized to negotiate and conclude a treaty of

Relations with Great Britain.

peace, will be the subject of another communication.

JAMES MADISON.

WASHINGTON, October 10, 1814

*To the Senate and House of
Representatives of the United States :*

I now transmit to Congress copies of the instructions to the Plenipotentiaries of the United States charged with negotiating a peace with Great Britain, as referred to in my message of the 10th instant.

JAMES MADISON.

WASHINGTON, October 14, 1814.

*To the Senate and House of
Representatives of the United States :*

I transmit for the information of Congress the communications last received from the Ministers Extraordinary and Plenipotentiary of the United States at Ghent, explaining the course and actual state of their negotiations with the Plenipotentiaries of Great Britain.

JAMES MADISON.

DECEMBER 1, 1814.

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States for treating of peace with Great Britain.

DEPARTMENT OF STATE, April 15, 1813.

GENTLEMEN: I had the honor, on the — ultimo, to receive from Mr. Adams two letters, one bearing date 30th September, the other on the 17th October last, communicating the overture of the Emperor of Russia to promote peace by his friendly mediation between the United States and Great Britain. On the day following, Mr. Daschkoff, the Russian Minister, made a similar communication to this Department. The subject has, in consequence, been duly considered, and I have now to make known to you the result.

The President has not hesitated to accept the mediation of Russia, and he indulges a strong hope that it will produce the desired effect. It is not known that Great Britain has acceded to the proposition, but it is presumed that she will not decline it. The President thought it improper to postpone his decision until he should hear of that of the British Government. Sincerely desirous of peace, he has been willing to avail himself of every opportunity which might tend to promote it, on just and honorable conditions, and in accepting this overture he has been particularly gratified to evince, by the manner of it, the distinguished consideration which the United States entertain for the Emperor Alexander. Should the British Government accept the mediation, the negotiation to which it leads will be held at St. Petersburg. The President commits it to you, for which a commission is enclosed, and he has appointed Mr. Harris secretary of the mission.

The impressment of our seamen and illegal blockades, as exemplified more particularly in the Orders in Council, were the principal causes of

the war. Had not Great Britain persevered obstinately in the violation of these important rights, the war would not have been declared. It will cease as soon as these rights are respected. The proposition made by Mr. Russell to the British Government immediately after the war, and the answer given by this Department to Admiral Warren's letter since, show the ground on which the United States were willing to adjust the controversy relative to impressment.

This has been further evinced by a report of the Committee of Foreign Relations of the House of Representatives, and an act of Congress passed in consequence of that report. By these documents you will see that, to accommodate this important difference, the United States are disposed to exclude British seamen altogether from the American service. This being effectually done, the British Government can have no pretext for the practice. How shall it be done? By restraints to be imposed by each nation on the naturalization of the seamen of the other, excluding, at the same time, all others not naturalized? Or shall the right of each nation to naturalize the seamen of the other be prohibited, and each exclude from its service the natives of the other? Whatever the rule is, it ought to be reciprocal. If Great Britain is allowed to naturalize American seamen, the United States should enjoy the same privilege. If it is demanded that the United States shall exclude from their service all native British subjects, a like exclusion of American citizens from the British service ought to be reciprocated. The mode also should be common to both countries. Each should be at liberty to give the same facilities, or be bound to impose the same restraints that the other does. The President is willing to agree to either alternative, and to carry it into effect by the most eligible regulations that can be devised.

If the first alternative is adopted, the extent of the proposed exclusion will depend on the impediments to naturalization, on the efficacy of the regulations to prevent imposition, and the fidelity of their execution. The greater the difficulty in acquiring the right of citizenship, the easier will it be to avoid imposition, and the more complete the desired exclusion. The law of the last session of Congress relative to seamen proves how sincerely desirous the Legislative as well as Executive branch of our Government is, to adjust this controversy, on conditions which may be satisfactory to Great Britain. By that law it is made indispensable for every British subject who may hereafter become a citizen, to reside five years, without intermission, within the United States, and so many guards are imposed to prevent frauds, that it seems to be impossible that they should be eluded. No British subject can be employed in a public or private ship of the United States, unless he produces to the commander, in the one instance, and to the collector, in the other, a certified copy of the act by which he became naturalized. A list of the crew, in the case of a private ship, must be taken, certified and recorded by the collector, and the

Relations with Great Britain.

consuls or commercial agents of Great Britain may object to any seamen, and attend the investigation. The commander of a public ship receiving a person not duly qualified, shall forfeit a thousand dollars, and the commander or owner of a private ship, knowing thereof, five hundred dollars, to be recovered in any action of debt, one-half to the informer, and one-half to the United States. It is also made penal, punishable as a felony by imprisonment and labor from three to five years, or by fine from five hundred to one thousand dollars, for any person to forge or counterfeit, or to pass or use any forged or counterfeited certificate of citizenship, or to sell or dispose of one.

It may fairly be presumed, that, if this law should be carried into effect, it would exclude all British seamen from our service.

By requiring five years continued residence in the United States, as the condition of citizenship, few if any British seamen would ever take advantage of it. Such as had left Great Britain, and had resided five years in this country, would be likely to abandon the sea forever. And by making it the duty of the commanders of our public, and of the collectors in the case of private ships, to require an authenticated copy from the clerk of the court, before which a British subject, who offered his service, had been naturalized, as indispensable to his admission, and highly penal in either to take a person not duly qualified, and by allowing also British agents to object to any one offering his service, and to prosecute by suit the commander or collector, as the case might be, for receiving an improper person, it seems to be impossible that such should be received.

If the second alternative is adopted, that is, if all native British subjects are to be hereafter excluded from our service, it is important that the stipulation providing for it should operate so as not to affect those who have been already naturalized. By our law, all the rights of natives are given to naturalized citizens. It is contended by some that these complete rights do not extend beyond the limits of the United States; that, in naturalizing a foreigner, no State can absolve him from the obligation which he owes to his former Government, and that he becomes a citizen in a qualified sense only. This doctrine, if true in any case, is less applicable to the United States than to any other Power. Expatriation seems to be a natural right, and, by the original character of our institutions, founded by compact on principle, and particularly by the unqualified investment of the adopted citizen with the full rights of the native, all that the United States could do, to place him on the same footing, has been done. In point of interest, the object is of little importance to either party. The number to be affected by the stipulation is inconsiderable; nor can that be a cause of surprise, when the character of that class of men is considered. It rarely happens that a seaman, who settles on a farm, or engages in a trade, and pursues it for any length of time, returns to sea. His youthful days are exhausted in his first occupation. He

leaves it with regret, and adopts another, either in consequence of marriage, of disease, or as an asylum for old age.

To a stipulation which shall operate prospectively only, the same objection does not apply. In naturalizing foreigners, the United States may prescribe the limit to which their privileges shall extend. If it is made a condition that no native British subject, who may hereafter become a citizen, shall be employed in our public or private ships, their exclusion will violate no right. Those who might become citizens afterwards would acquire the right, subject to that condition, and would be bound by it. To such a stipulation, the President is willing to assent, although he would much prefer the alternative of restraints on naturalization; and, to prevent frauds, and to carry the same fully into effect, you are authorized to apply all the restraints and checks, with the necessary modifications, to suit the cases that are provided in the act above recited, relative to seamen, for the purposes of that act.

In requiring that the stipulation to exclude British seamen from our service, with the regulations for carrying it into effect, be made reciprocal, the President desires that you make a provision, authorizing the United States, if they should be so disposed, to dispense with the obligations imposed by it on American citizens. The liberal spirit of our Government and laws is unfriendly to restraints on our citizens, such at least, as are imposed on British subjects, from becoming members of other societies. This has been shown in the law of the last session, relative to seamen, to which your particular attention has been already drawn. This provision may likewise be reciprocated if desired.

The President is not particularly solicitous that either of these alternatives (making the proposed reservation in case the latter be) should be preferred. To secure the United States against impressment he is willing to adopt either. He expects in return, that a clear and distinct provision shall be made against the practice. The precise form in which it may be done is not insisted on, provided the import is explicit. All that is required is, that, in consideration of the act to be performed on the part of the United States, the British Government shall stipulate in some adequate manner, to terminate or forbear the practice of impressment from American vessels.

It has been suggested, as an expedient made for the adjustment of this controversy, that British cruisers should have a right to search our vessels for British seamen, but that the commanders thereof should be subjected to penalties in case they made mistakes, and took from them American citizens. By this the British Government would acquire the right of search for seamen, with that of impressing from our vessels the subjects of all other Powers. It will not escape your attention that, by admitting the right, in any case, we give up the principle, and leave the door open to every kind of abuse. The same objection is applicable to any and every other

Relations with Great Britain.

arrangement which withholds the respect due to our flag, by not allowing it to protect the crew sailing under it.

If the first alternative should be adopted, it will follow that none of the British seamen who may be in the United States at the time the treaty takes effect, and who shall not have become citizens, will be admitted into our service until they acquire that right.

If the second is adopted, the number of native British seamen, who have been naturalized, and will be admissible into our service, will not, it is believed, exceed a few hundred; all others who may be in the United States at the time the treaty takes effect, or who may arrive afterwards, will be excluded.

As a necessary incident to an adjustment on the principle of either alternative, it is expected that all American seamen, who have been impressed, will be discharged, and that those who have been naturalized, under the British laws, by compulsive service, will be permitted to withdraw.

I have to repeat that the great object which you have to secure, in regard to impressment, is, that our flag shall protect the crew, and, providing for this in a satisfactory manner, that you are authorized to secure Great Britain effectually against the employment of her seamen in the service of the United States. This, it is believed, would be done by the adoption of either the above alternatives, and the application to that which may be adopted, of the checks contained in the law of the last session, relative to seamen; in aid of which it will always be in the power of Great Britain to make regulations operating in her own ports with a view to the same effect. To terminate, however, this controversy, in a manner satisfactory to both parties, the President is willing, should other checks be suggested as likely to be more effectual, consistent with the spirit of our Constitution, that you should adopt them. The strong feature of the first alternative, which authorizes the naturalization of seamen, requires their continued residence in the United States for five years, as indispensable to the attainment of that right. In case this alternative be adopted, the President is willing, for example, to secure a compliance with that condition, to make it the duty of each alien, who may be desirous to become a citizen, to appear in court every year, for the term of five years, until his right shall be completed. This example is given, not as a limitation, but as an illustration of your power; for to the exclusion of British seamen from our service no repugnance is felt. To such exclusion the amicable adjustment of this controversy with Great Britain affords a strong motive, but not the only one. It is a growing sentiment in the United States that they ought to depend on their own population for the supply of their ships of war and merchant service. Experience has shown that it is an abundant resource. In expressing this sentiment you will do it in a manner to inspire more fully a confidence that the arrangement which you may enter into will be carried

faithfully into effect, without derogating, however, from the conciliatory spirit of the accommodation.

A strong desire has heretofore been expressed by the British Government to obtain of the United States an arrangement to prevent the desertion of British seamen when in our ports, and it cannot be doubted that a stipulation to that effect would be highly satisfactory as well as useful to Great Britain. It is fairly to be presumed that it, alone, would afford to the British Government a strong inducement to enter into a satisfactory arrangement of the difference relating to impressment. The claim is not inadmissible, especially as the United States have a reciprocal interest in the restoration of deserters from American vessels in British ports; you may, therefore, agree to an article, such as has been heretofore authorized by the United States, which shall make it the duty of each party to deliver them up.

Of the right of the United States to be exempted from the degrading practice of impressment, so much has been already said, and with such ability, that it would be useless, especially to you, who are otherwise so well acquainted with it, to dilate on its merits. I must observe, however, that the practice is utterly repugnant to the law of nations; that it is supported by no treaty with any nation; that it was never acquiesced in by any; and that a submission to it by the United States would be the abandonment, in favor of Great Britain, of all claim to neutral rights, and of all other rights on the ocean.

This practice is not founded on any belligerent right. The greatest extent to which the belligerent claim has been carried, over the vessels of neutral nations, is, to board and take from them persons in the land and sea service of an enemy, contraband of war, and enemy's property. All nations agree respecting the two first articles, but there has been and still exists a diversity of opinion as to the last. On that and other questions of considerable importance, disputes have arisen which are yet unsettled. The Empress Catherine, of Russia, a distinguished advocate of just principles, placed herself, in 1780, at the head of neutral nations, in favor of a liberal construction of their rights, and her successors have generally followed her example. In all the discussions on these topics, we find nothing of the British claim to impressment; no acknowledgment of it in any treaty, or proof of submission to it by any Power. If instances have occurred in which British cruisers have taken British seamen from the vessels of other nations, they were, as it is presumed, in cases either not acquiesced in, or of an extraordinary nature only, affording no countenance to their practice and pretension in relation to the United States. Cases of this kind, if such there be, afford no proof of a systematic claim in the British Government to impressment, or of submission to it by other Powers. This claim has been set up against the United States only, who have, in consequence thereof, been compelled to discuss its merits.

The claim is, in fact, traced to another source,

Relations with Great Britain.

the allegiance due by British subjects to their Sovereign, and his right, by virtue thereof, to their service. This has been distinctly stated in a late declaration by the Prince Regent. Knowing the nature of the claim, we know also the extent of the right and obligations incident to it. Allegiance is a political relation between a sovereign and his people. It is the obligation which binds the latter in return for the protection which they receive. These reciprocal duties have the same limit. They are confined to the dominions of the sovereign, beyond which he has no rights, can afford no protection, and of course can claim no allegiance. A citizen or subject of one Power, entering the dominions of another, owes allegiance to the latter in return for the protection he receives. Whether a sovereign has a right to claim the service of such of his subjects as have left his own dominions, is a question respecting which also a difference of opinion may exist. It is certain that no sovereign has a right to pursue his subjects into the territories of another, be the motive for it what it may. Such an entry, without the consent of the other Power, would be a violation of its territory, and an act of hostility. Offenders, even conspirators, cannot be pursued by one Power into the territory of another, nor are they delivered up by the latter, except in compliance with treaties, or by favor. That the vessels of a nation are considered a part of its territory, with the exception of the belligerent right only, is a principle too well established to be brought into discussion. Each State has exclusive jurisdiction over its own vessels. Its laws govern in them, and offences against those laws are punishable by its tribunals only. The flag of a nation protects everything sailing under it in time of peace, and in time of war likewise, with the exception of the belligerent rights growing out of the war. An entry on board the vessels of one Power by the cruisers of another, in any other case, and the exercise of any other authority over them, is a violation of right, and an act of hostility.

The British Government, aware of the truth of this doctrine, has endeavored to avoid its consequences in the late declaration of the Prince Regent. It has not contended that British cruisers have a right to pursue and search our vessels for British seamen. It asserts only that they have a right to search them for other objects, and being on board for a lawful cause, and finding British seamen there, that they have a right to impress and bring them away, under the claim of allegiance. When we see a systematic pursuit of our vessels by British cruisers, and the impressment of seamen from them, not at a port of the enemy, where a regular blockade has been instituted, and by the blockading squadron, but in every part of the ocean, on our coast, and even in our harbors, it is difficult to believe that impressment is not the real motive, and the other the pretext for it. But, to place this argument of the British Government on the strongest ground, let it be admitted that the entry was lawful, is it so to commit an act not warranted by the pur-

pose for which the entry was made? There is a levity in this argument which neither suits the parties nor the subject. The British Government founds its right of impressment from our ships on that of allegiance, which is a permanent right, equally applicable to peace and war. The right of impressment, therefore, from the vessels of other Powers must likewise be permanent, and equally applicable to peace and war. It would not, however, take this broad ground, lest the injustice and extravagance of the pretension might excite the astonishment and indignation of other Powers, to whom it would be equally applicable. To claim it as a belligerent right would have been equally unjust and absurd, as no trace of it could be found in the belligerent code. The British Government was therefore reduced to a very embarrassing dilemma. To acknowledge that it could not support the claim on either principle would be to relinquish it, and yet it could rely on neither. It endeavored to draw some aid from both. A state of war exists which brings the parties together, Great Britain as a belligerent, and the United States as a neutral Power. British officers have now a right to board and search American vessels, but for what? Persons in the service of an enemy, contraband of war, or enemy's property? This would not accomplish the end. It is, however, the utmost limit of the belligerent right. Allegiance, which is an attribute of sovereignty, comes to her aid and communicates all the necessary power. The national character of the neutral vessel ceases. The complete right of sovereignty and jurisdiction over it is transferred to Great Britain. It is on this foundation that the British Government has raised this monstrous superstructure. It is with this kind of argument that it attempts to justify its practice of impressment from our vessels.

The remark contained in the declaration of the Prince Regent, that, in impressing British seamen from American vessels, Great Britain exercised no right which she was not willing to acknowledge as appertaining equally to the Government of the United States, with respect to American seamen in British merchant ships, proves only that the British Government is conscious of the justice of the claim, and desirous of giving to it such aid as may be derived from a plausible argument. The semblance of equality, however, in this proposition, which strikes at first view, disappears on a fair examination. It is unfair, first, because it is impossible for the United States to take advantage of it. Impressment is not an American practice, but utterly repugnant to our Constitution and laws. In offering to reciprocate it nothing was offered, as the British Government well knew. It is unfair, secondly, because if impressment was allowable, a reciprocation of the practice would be no equivalent to the United States. The exercise of a right in common, at sea, by two nations, each over the vessels of the other, the one powerful and the other comparatively weak, would be to put the latter completely at the mercy of the former. Great Britain, with her vast navy, would soon

Relations with Great Britain.

be the only party which made impressment. The United States would be compelled to abstain from it, and either to submit to the British rule, with all the abuses incident to power, or to resist it. But should the United States be permitted to make impressment from British vessels, the effect would be unequal. Great Britain has, perhaps, thirty ships of war at sea to one of the United States, and would profit of the arrangement in that proportion. Besides, impressment is a practice incident to war—in which view, likewise, the inequality is not less glaring, she being at least thirty years at war to one of the United States. Other considerations prove that the British Government made this acknowledgment merely as a pretext to justify its practice of impressment, without intending that the right or practice should ever be reciprocated. What would be the effect of its adoption by American ships of war with British merchant vessels? An American officer boards a British merchant vessel, and claims, as American citizens, whom he pleases. How many British seamen would disclaim a title which would take them to the United States, and secure them there all the advantages of citizenship? The rule of evidence, as the ground of impressment in every instance, must likewise be reciprocated between the two Governments. The acknowledgment of the men would surely be a better proof of their national character than the decision of a British officer who boarded an American vessel, however impartial he might be, and strong his power of discrimination, when opposed by the voluntary and solemn declaration of the party. In this way we might draw from the British service the greater part, if not all their seamen. I might further ask, why was this acknowledgment made at this late period, for the first time only, after the declaration of war, and when, on that account, it could produce no effect? In the various discussions of this subject, in many of which it has been demanded whether the British Government would tolerate such a practice from American ships of war, no such intimation was ever given.

If Great Britain had found the employment of her seamen in our service injurious to her, and been disposed to respect our rights, the regular course of proceeding would have been for her Government to have complained to the Government of the United States of the injury, and to have proposed a remedy. Had this been done, and no reasonable remedy been adopted, sound in principle and reciprocal in its operation, the British Government might have had some cause of complaint, and some plea for taking the remedy into its own hands. Such a procedure would, at least, have given to its claim of impressment the greatest plausibility. We know that such complaint was never made, except in defence of the practice of impressment, and that, in the meantime, the practice has gone on, and grown into a usage, which, with all its abuses, had resistance been longer delayed, might have become a law. The origin and progress of this usurpation afford strong illustrations of the British

policy. The practice and the claim began together, soon after the close of our Revolutionary war, and were applicable to deserters only. They extended next to all British seamen; then to all British subjects, including, as in the case of emigrants from Ireland, persons who would not have been subject to impressment in British ports, not being seafaring men; and, finally, to Swedes, Danes, and others, known to be not British subjects, and by their protections appearing to be naturalized citizens of the United States.

Other views may be taken of the subject, to show the unlawfulness and absurdity of the British claim. If British cruisers have a right to take British seamen from our vessels, without regarding the abuses inseparable from the practice, they may take from them, on the same principle, and with much greater reason, every species of property to which the British Government has any kind of claim. Allegiance cannot give to a sovereign a better right to take his subjects than ownership to take his property. There would be no limit to this pretension or its consequences. All property forfeited by exportation, contrary to the laws of Great Britain, every article to which her sovereignty, jurisdiction, or ownership would extend, in British vessels, would be liable to seizure in those of the United States. The laws of England would be executory in them. Instead of being a part of the American, they would become a part of the British territory.

It might naturally be expected that Great Britain would have given, by her conduct, some support to her pretensions; that, if she had not disclaimed altogether the principle of naturalization, she would at least have excluded from her service foreign seamen. Her conduct, however, has been altogether at variance with her precepts. She has given great facility to naturalization, in all instances where it could advance her interest, and peculiar encouragement to that of foreign seamen. She naturalizes by special act of Parliament; she naturalizes all persons who reside a certain term of years in British colonies, all those who are born of British subjects in foreign dominions, and all seamen who have served a certain short term in the British service, and would doubtless protect all such as British subjects, if required by them so to do. Her Governors of neighboring provinces are, at this time, compelling emigrants thither from the United States to bear arms against the United States.

The mediation offered by Russia presents to Great Britain, as well as to the United States, a fair opportunity of accommodating this controversy with honor. The interposition of so distinguished a Power, friendly to both parties, could not be declined by either, on just ground, especially by Great Britain, between whom and Russia there exists at this time a very interesting relation. When the British Ministers are made acquainted at St. Petersburg, with the conditions on which you are authorized to adjust this difference, it seems as if it would be impossible for Great Britain to decline them. Should she do it, still adhering to her former pretensions, her motive could

Relations with Great Britain.

not be misunderstood. The cause of the United States would thenceforward become the common cause of nations. A concession by them would operate to the disadvantage of every other Power. They would all find, in the conduct of Great Britain, an unequivocal determination to destroy the rights of other flags, and to usurp the absolute dominion of the ocean. It is to be presumed that the British Government will find it neither for the honor nor interest of Great Britain to push things to that extremity, but will have accepted this mediation, and have sent a Minister or Ministers to St. Petersburg with full powers to adjust the controversy on fair and just conditions.

Should improper impressions have been taken of the probable consequences of the war, you will have ample means to remove them. It is certain, that from its prosecution Great Britain can promise to herself no advantage, while she exposes herself to great expenses and to the danger of still greater losses. The people of the United States, accustomed to the indulgence of a long peace, roused by the causes and the progress of the war, are rapidly acquiring military habits and becoming a military people. Our knowledge in naval tactics has increased, as has our maritime strength. The gallantry and success of our little Navy have formed an epoch in naval history. The laurels which these brave men have gained, not for themselves, but for their country, from an enemy pre-eminent in naval exploits, for ages past, are among the proudest boasts of their grateful and affectionate fellow-citizens. Our manufactures have taken an astounding growth. In short, in every circumstance, in which the war is felt, its pressure tends evidently to unite our people, to draw out our resources, to invigorate our means, and to make us more truly an independent nation, and, as far as may be necessary, a great maritime Power.

If the British Government accepts the mediation of Russia, with a sincere desire to restore a good intelligence between the two countries, it may be presumed that a fair opportunity will be afforded for the arrangement of many other important interests, with advantage to both parties. The adjustment of the controversy relating to impressment only, though very important, would leave much unfinished. Almost every neutral right has been violated; and its violation persisted in to the moment that war was declared. The President sincerely desires, and it is doubtless for the interest of Great Britain, to prevent the like in future. The interposition of the Emperor of Russia to promote an accommodation of these differences is deemed particularly auspicious.

[Confidential paragraph No. 1, omitted.]

A strong hope is, therefore, entertained that full powers will be given to the British Commissioners to arrange all these grounds of controversy in a satisfactory manner. In entering on this interesting part of your duty, the first object which will claim your attention is that of blockade. The violation of our neutral right by illegal blockades, carried to an enormous extent, by Orders in Council, was a principal cause of the war. These

orders, however, and with them the blockade of May, 1806, and, as is understood, all other illegal blockades, have been repealed, so that that cause of war has been removed. All that is now expected is, that the British Government will unite in a more precise definition of blockade, and in this no difficulty is anticipated, for having declared that no blockade would be legal, which was not supported by an adequate force, and that the blockades which it might institute should be supported by an adequate force, there appears to be, according to the just interpretation of these terms, no difference of opinion on the subject.

The British Government has recently, in two formal acts, given definitions of blockade, either of which would be satisfactory. The first is to be seen in the communication from Mr. Merry to this Department, bearing date on the 12th of April, 1804. The following are the circumstances attending it. Commodore Hood, the commander of a British squadron in the West Indies, in 1803, having declared the islands of Martinique and Guadaloupe in a state of blockade, without applying an adequate force to maintain it, the Secretary of State remonstrated against the illegality of the measure, which remonstrance was laid before the Lords Commissioners of the Admiralty, in England, who replied that they had sent "orders not to consider any blockade of those islands as existing unless in respect of particular ports, which might be actually invested, and then not to capture vessels, bound to such ports, unless they shall previously have been warned not to enter them." The second definition is to be found in a convention between Great Britain and Russia, in June, 1801, fourth section, third article, which declares, "that, in order to determine what characterizes a blockaded port, that denomination is given only to a port where there is, by the disposition of the Power which attacks it, with ships stationary or sufficiently near, an evident danger in entering." The President is willing for you to adopt either of these definitions; but prefers the first, as much more precise and determinate; and when it is considered that it was made the criterion by so formal an act, between the two Governments, it cannot be presumed that the British Government will object to the renewal of it. Nothing is more natural, after the differences which have taken place between the two countries, on this and other subjects, and the departure from this criterion by Great Britain, for reasons which are admitted by her no longer to exist, than that they should, on the restoration of a good understanding, recur to it again. Such a recurrence would be the more satisfactory to the President, as it would afford a proof of a disposition in the British Government, not simply to compromise a difference, but to re-establish sincere friendship between the two nations.

An interference with our commerce between enemy colonies and their parent country, was among the first violations of our neutral rights, committed by Great Britain in her present war with France. It took place in 1805, did extensive injury and produced universal excitement. In

Relations with Great Britain.

securing us against a repetition of it, you will attend to an article of the convention between Russia and Great Britain, entered into on the — day of —, 1801, to the eleventh article of the project of a treaty with Great Britain that was signed by Mr. Monroe and Mr. Pinkney, on the 31st December, 1806, and to the instructions from this Department relating to that article, of the 20th May, 1807. The capture, by Great Britain, of almost all the islands of her enemies, diminishes the importance of any regulation of this subject; but, as they may be restored by a treaty of peace, it merits particular attention. It being understood, however, that unless such a trade can be obtained, in a proper extent, and without a relinquishment of the principle contended for by the United States, it will be best that the treaty be silent on the subject.

A disposition has been shown by the British Government to extend this principle so far as to inhibit a trade to neutrals, even between a Power at peace with Great Britain and her enemy; as, for example, between China and France. The absurdity of this pretension may prevent its being hereafter advanced. It will not, however, be unworthy of your attention.

By an order of the British Government in 1803, British cruisers were authorized to take neutral vessels, laden with innocent articles, on their return from an enemy's port, on the pretence that they had carried to such port contraband of war. This order is directly repugnant to the law of nations, as the circumstance of having contraband articles on board, bound to an enemy's port, is the only legal ground of seizure. The claim was relinquished by the British Government, in the ninth article of the project above recited. You will endeavor in like manner to provide against it. It is the practice of British cruisers to compel the commanders of neutral vessels which they meet at sea, either to board them in person with their papers, or to send their papers on board in their own boat by an officer. The injustice and irregularity of this procedure need not be mentioned. You will endeavor to suppress it in the manner proposed in the third article of a project communicated to Mr. Monroe at London, in his instructions of the 5th of January, 1804. You will endeavor likewise to restrict contraband of war, as much as is in your power, to the list contained in the fourth article of that project.

The pretensions of Great Britain to interdict the passage of neutral vessels, with their cargoes, from one port to another port of the enemy, is illegal and very injurious to the commerce of neutral Powers. Still more unjustifiable is the attempt to interdict their passage from one port of one independent nation to that of another, on the pretence that they are both enemies. You will endeavor to obtain, in both instances, a security for the neutral right.

Upon the whole subject I have to observe, that your first duty will be to conclude a peace with Great Britain, and that you are authorized to do it, in case you obtain a satisfactory stipulation against impressments, one which shall secure,

under our flag, protection to the crew. The manner in which it may be done has been already stated, with the reciprocal stipulations which you may enter into to secure Great Britain against the injury of which she complains. If this encroachment of Great Britain is not provided against, the United States have appealed to arms in vain. If your efforts to accomplish it should fail, all further negotiations will cease, and you will return home without delay. It is possible that some difficulty may occur in arranging this article respecting its duration. To obviate this, the President is willing that it be limited to the present war in Europe. Resting, as the United States do, on the solid ground of right, it is not presumable that Great Britain, especially after the advantage she may derive from the arrangement proposed, would ever revive her pretension. In forming any stipulation on this subject, you will be careful not to impair by it the right of the United States, or to sanction the principle of the British claim.

It is deemed highly important, also, to obtain a definition of the neutral rights which I have brought to your view, especially of blockade, and in the manner suggested; but it is not to be made an indispensable condition of peace. After the repeal of the Orders in Council, and other illegal blockades, and the explanations attending it, it is not presumable that Great Britain will revive them. Should she do it, the United States will always have a corresponding resort in their own hands. You will observe, in every case in which you may not be able to obtain a satisfactory definition of the neutral right, that you enter into none respecting it.

Indemnity for losses seems to be a fair claim on the part of the United States, and the British Government, if desirous to strengthen the relations of friendship, may be willing to make it. In bringing the claim into view, you will not let it defeat the primary objects intrusted to you. It is not perceived on what ground Great Britain can resist this claim, at least in the cases in favor of which she stands pledged. Of these a note will be added.

[Confidential paragraph No. 2, omitted.]

You are at liberty to stipulate in the proposed treaty the same advantages, in the ports of the United States, in favor of British ships of war, that may be allowed to those of the most favored nations. This stipulation must be reciprocal.

[Confidential paragraph No. 3, omitted.]

No difficulty can arise from the case of the non-importation act, which will doubtless be terminated in consequence of the pacification. Should any stipulation to that effect be required, or found advantageous, you are at liberty to enter into it. Should peace be made, you may, in fixing the periods to which it shall take effect in different latitudes and distances, take for the basis the provisional articles of the Treaty of Peace with Great Britain in 1782, with such alterations as may appear to be just and reasonable.

In discharging the duties of the trust committed to you, the President desires that you will

Relations with Great Britain.

manifest the highest degree of respect for the Emperor of Russia, and confidence in the integrity and impartiality of his views. In arranging the question of impressment, and every question of neutral right, you will explain to his Government, without reserve, the claims of the United States, with the ground on which they severally rest. It is not doubted that from a conduct so frank and honorable the most beneficial effect will result.

[Confidential paragraph No. 4, omitted.]

I shall conclude by remarking that a strong hope is entertained that this friendly mediation of the Emperor Alexander will form an epoch in the relations between the United States and Russia, which will be extensively felt, and be long and eminently distinguished by the happy consequences attending it. Since 1780, Russia has been the pivot on which all questions of neutral right have essentially turned. Most of the wars which have disturbed the world in modern times have originated with Great Britain and France. These wars have affected distant countries, especially in their character as neutrals, and very materially the United States, who took no part in promoting them, and had no interest in the great objects of either Power.

[Confidential paragraph No. 5, omitted.]

I have the honor to be, &c.

JAMES MONROE.

Extract of a letter from the Secretary of State to the Commissioners of the United States for treating of peace with Great Britain, dated

DEPARTMENT OF STATE, June 23, 1813.

An opportunity offering, I avail myself of it to explain more fully the views of the President on certain subjects already treated on in your instructions, and to communicate his sentiments on some others, not adverted to in them.

The British Government having repealed the Orders in Council and the blockade of May, 1806, and all other illegal blockades, and having declared that it would institute no blockade which should not be supported by an adequate force, it was thought better to leave that question on that ground, than to continue the war, to obtain a more precise definition of blockade, after the other essential cause of the war, that of impressment, should be removed. But when it is considered that a stipulated definition of blockade will cost Great Britain nothing, after having thus recognised the principle, and that such definition is calculated to give additional confidence in the future security of our commerce, it is expected that she will agree to it. It is true, this cause of war being removed, the United States are under no obligation to continue it for the want of such stipulated definition, more especially as they retain in their hands the remedy against any new violation of their rights, whenever made. The same remark is applicable to the case of impressment; for, if the British Government had issued orders to its cruisers not to impress seamen from our vessels, and notified the same to this Government, that

cause of war would also have been removed. In making peace, it is better for both nations that the controversy respecting blockade should be arranged by treaty, as well as that respecting impressment. The omission to arrange it may be productive of injury. Without a precise definition of blockade, improper pretensions might be set up on each side respecting their rights, which might possibly hazard the future good understanding between the two countries.

Should a restitution of territory be agreed on, it will be proper to make a provision for settling the boundary between the United States and Great Britain, on the St. Lawrence and the Lakes, from the point at which the line between them strikes the St. Lawrence to the northwest corner of the Lake of the Woods, according to the principles of the Treaty of Peace. The settlement of this boundary is important, from the circumstance that there are several islands in the river, and lakes of some extent and great value, the dominion over which is claimed by both parties. It may be an advisable course to appoint commissioners on each side, with full powers to adjust, on fair and equitable considerations, this boundary. To enable you to adopt a suitable provision for the purpose, it will be proper for you to recur to the instructions heretofore given on the subject, published in the documents in your possession.

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States at St. Petersburg.

DEPARTMENT OF STATE, Jan. 1, 1814.

GENTLEMEN: I have not received a letter from you since your appointment to meet Ministers from Great Britain at St. Petersburg, to negotiate a Treaty of Peace under the mediation of the Emperor of Russia. This is doubtless owing to the miscarriage of your despatches.

The Message of the President, of which I have the honor to transmit to you a copy, will make you acquainted with the progress of the war with Great Britain to that period, and the other documents which are forwarded will communicate what has since occurred.

Among the advantages attending our success in Upper Canada, was the important one of making capture of General Proctor's baggage, with all the public documents belonging to the British Government in his possession. It is probable that these documents will be laid before Congress, as they are of a nature highly interesting to the public. You will understand their true character by extracts of two letters from Governor Cass, which are enclosed to you. By these, it appears, that the British Government has exercised its influence over the Indian tribes within our limits as well as elsewhere in peace, for hostile purposes towards the United States; and that the Indian barbarities since the war were, in many instances, known to and sanctioned by the British Government.

I have the honor to be, &c.

JAMES MONROE.

Relations with Great Britain.

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States at St. Petersburg.

DEPARTMENT OF STATE, Jan. 8, 1814.

GENTLEMEN: I have the honor to transmit to you a copy of a letter from Lord Castlereagh to this Department, and of a note from Lord Cathcart to the Russian Government, with my reply to the communication.

The arrangement of a negotiation to be held at Gottenburg, directly between the United States and Great Britain, without the aid of the Russian mediation, makes it necessary that new commissions should be issued correspondent with it, and, for this purpose, that a new nomination should be made to the Senate. The President instructs me to inform you that you will both be included in it; and that he wishes you to repair, immediately on the receipt of this, to the appointed rendezvous. It is possible that the business may not be limited to yourselves, on account of the great interests involved in the result. The commissions and instructions will be duly forwarded to you, as soon as the arrangements shall be finally made.

In taking leave of the Russian Government, you will be careful to make known to it the sensibility of the President to the friendly disposition of the Emperor, manifested by the offer of his mediation; the regret felt at its rejection by the British Government; and a desire that in future the greatest confidence and cordiality, and the best understanding, may prevail between the two Governments.

I have the honor to be, &c.

JAMES MONROE.

Mr. Monroe, Secretary of State, to the American Plenipotentiaries at Gottenburg.

DEPARTMENT OF STATE, Jan. 28, 1814.

GENTLEMEN: The British Government having declined the Russian mediation, and proposed to treat directly with the United States, the President has, on due consideration, thought proper to accept the overture. To give effect to this arrangement, it was necessary that a new commission should be formed, and, for that purpose, that a new nomination should be made to the Senate, by whose advice and consent this important trust is committed to you.

You will consider the instructions given to the commission to treat under the mediation of Russia as applicable to the negotiation with which you are now charged, except as they may be modified by this letter.

I shall call your attention to the most important grounds of the controversy with Great Britain only, and make such remarks on each, and on the whole subject, as have occurred since the date of the former instructions, and are deemed applicable to the present juncture, taking into view the negotiation in which you are now about to engage.

On impressment—as to the right of the United States to be exempted from it—I have nothing new to add. The sentiments of the President

have undergone no change on that important subject. This degrading practice must cease; our flag must protect the crew, or the United States cannot consider themselves an independent nation. To settle this difference amicably, the President is willing, as you are already informed by the former instructions, to remove all pretext for it to the British Government, by excluding all British seamen from our vessels; and even to extend the exclusion to all British subjects, if necessary, excepting only the few already naturalized; and to stipulate, likewise, the surrender of all British seamen deserting in our ports in future from British vessels, public or private. It was presumed by all dispassionate persons, that the late law of Congress relative to seamen would effectually accomplish the object. But the President is willing, as you find, to prevent a possibility of failure, to go further.

Should a treaty be made, it is proper, and it would have a conciliatory effect, that all our impressed seamen who may be discharged under it should be paid for their services by the British Government, for the time of their detention, the wages which they might have obtained in the merchant service of their own country.

Blockade is the subject next in point of importance, which you will have to arrange. In the instructions bearing date on the 15th of April, 1813, it was remarked that, as the British Government had revoked its Orders in Council, and agreed that no blockade could be legal which was not supported by an adequate force, and that such adequate force should be applied to any blockade which it might thereafter institute, this cause of controversy seemed to be removed. Further reflection, however, has added great force to the expediency and importance of a precise definition of the public law on this subject. There is much cause to presume that, if the repeal of the Orders in Council had taken place in time to have been known here before the declaration of war, and had had the effect of preventing the declaration, not only that no provision would have been obtained against impressment, but that, under the name of blockade, the same extent of coast would have been covered by proclamation as had been covered by the Orders in Council. The war, which these abuses and impressment contributed so much to produce, might possibly prevent that consequence. But it would be more satisfactory, if not more safe, to guard against it by a formal definition in the treaty. It is true, should the British Government violate again the legitimate principles of blockade, in whatever terms or under whatever pretext it might be done, the United States would have in their hands a correspondent resort; but a principal object in making peace is to prevent, by the justice and reciprocity of the conditions, a recurrence again to war for the same cause. If the British Government sincerely wishes to make a durable peace with the United States, it can have no reasonable objection to a just definition of blockade, especially as the two Governments have agreed, in their correspondence, in all its essential fea-

Relations with Great Britain.

tures. The instructions of the 15th of April, 1813, have stated in what manner the President is willing to arrange this difference.

On the other neutral rights enumerated in the former instructions, I shall remark only that the catalogue is limited in a manner to evince a spirit of accommodation; that the arrangement proposed in each instance is just in itself; that it corresponds with the general spirit of treaties between commercial Powers; and that Great Britain has sanctioned it in many treaties, and gone beyond it in some.

[Confidential paragraph No. 1, omitted.]

On the claim to indemnity for spoiliations, I have only to refer you to what was said in the former instructions. I have to add, that should a treaty be formed, it is just in itself, and would have a happy effect on the future relations of the two countries, if indemnity should be stipulated on each side for the destruction of all unfortified towns, and other private property, contrary to the laws and usages of war. It is equally proper that the negroes taken from the Southern States should be returned to their owners, or paid for at their full value. It is known that a shameful traffic has been carried on in the West Indies, by the sale of these persons there, by those who professed to be their deliverers. Of this fact, the proof which has reached this Department shall be furnished you. If these slaves are considered as non-combatants, they ought to be restored; if as property, they ought to be paid for. The Treaty of Peace contains an article which recognises this principle.

In the view which I have taken of the conditions on which you are to insist in the proposed negotiation, you will find, on a comparison of them with those stated in the former instructions, that there is no material difference between them, the two last mentioned claims to indemnity excepted, which have originated since the date of those instructions. The principal object of this review has been to show that the sentiments of the President are the same in every instance, and that the reasons for maintaining them have become more evident and strong since the date of those instructions.

In accepting the overture of the British Government to treat independently of the Russian mediation, the United States have acted on principles which have governed them in every transaction relating to peace since the war. Had the British Government accepted the Russian mediation, the United States would have treated for themselves, independently of any other Power; and had Great Britain met them on just conditions, peace would have been the immediate result. Had she refused to accede to such conditions, and attempted to dictate others, a knowledge of the views of other Powers on those points might have been useful to the United States. In agreeing to treat directly with Great Britain, not only is no concession contemplated on any point in controversy, but the same desire is cherished to preserve a good understanding with Russia and the other Baltic Powers, as if the negotiation had taken place under the mediation of Russia.

[Confidential paragraph No. 2, omitted.]

It is probable that the British Government may have declined the Russian mediation from the apprehension of an understanding between the United States and Russia for very different purposes from those which have been contemplated, in the hope that a much better treaty might be obtained of the United States, in a direct negotiation, than could be obtained under the Russian mediation, and with a view to profit of the concessions which might thus be made by the United States in future negotiations with the Baltic Powers. If this was the object of the British Government, (and it is not easy to conceive any other,) it clearly proves the advantage to be derived, in the proposed negotiation, from the aid of those Powers, in securing from the British Government such conditions as would be satisfactory to all parties. It would be highly honorable as well as advantageous to the United States, if the negotiation with which you are charged should terminate in such a treaty.

[Confidential paragraph No. 3, omitted.]

I have the honor to be, &c.

JAMES MONROE.

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States at Gottenburg.

DEPARTMENT OF STATE, Jan. 30, 1814.

GENTLEMEN: In addition to the claims to indemnity, stated in your preceding instructions, I have to request your attention to the following, to which, it is presumed, there can be no objection:

On the declaration of war by the United States, there happened to be, in the ordinary course of commerce, several American vessels and cargoes in the ports of Great Britain, which were seized and condemned; and, in one instance, an American ship which fled from Algiers, in consequence of the declaration of war by the Dey, to Gibraltar, with the American Consul and some public stores on board, shared a like fate.

After the declaration of war, Congress passed an act allowing to British subjects six months, from the date of the declaration, to remove their property out of the United States, in consequence of which many vessels were removed, with their cargoes. I add, with confidence, that, on a liberal construction of the spirit of the law, some vessels were permitted to depart, even after the expiration of the term specified in the law. I will endeavor to put in your possession a list of these cases. A general reciprocal provision, however, will be best adapted to the object in view.

I have the honor to be, &c.

JAMES MONROE.

From the Secretary of State to the Commissioners of the United States for treating with Great Britain.

DEPARTMENT OF STATE, Feb. 10 1814.

GENTLEMEN: Should you conclude a treaty, and not obtain a satisfactory arrangement of neutral rights, it will be proper for you to provide

Relations with Great Britain.

that the United States shall have advantage of any stipulations more favorable to neutral nations, that may be established between Great Britain and other Powers. A precedent for such a provision is found in a declaratory article between Great Britain and Russia, bearing date on the 8th October, 1801, explanatory of the second section third article of a convention concluded between them on the 5th of June of the same year.

I have the honor to be, &c.

JAMES MONROE.

Extract—The Secretary of State to the Commissioners of the United States for treating with Great Britain.

DEPARTMENT OF STATE, Feb. 14, 1814.

I received last night your letter of the 15th October, with extracts of letters from Mr. Adams and Mr. Harris of the 22d and 23d of November.

It appears that you had no knowledge, at the date even of the last letter, of the answer of the British Government to the offer which had been made to it a second time of the Russian mediation. Hence it is to be inferred that the proposition made to this Government, by the Bramble, was made not only without your knowledge, but without the sanction, if not without the knowledge, of the Emperor. Intelligence from other sources strengthens this inference. If this view of the conduct of the British Government is well founded, the motive for it cannot be mistaken. It may fairly be presumed that it was to prevent a good understanding and concert between the United States and Russia and Sweden, on the subject of neutral rights, in the hope that by drawing the negotiation to England, and depriving you of an opportunity of free communication with those Powers, a treaty less favorable to the United States might be obtained, which might afterwards be used with advantage by Great Britain in her negotiations with those Powers.

By an article in the former instructions, you were authorized, in making a treaty to prevent impressment from our vessels, to stipulate, provided a certain term could not be agreed on, that it might continue in force for the present war in Europe only. At that time it seemed probable that the war might last many years. Recent appearances, however, indicate the contrary. Should peace be made in Europe, as the practical evil of which we complain, in regard to impressment, would cease, it is presumed that the British Government would have less objection to a stipulation to forbear that practice for a specified term, than it would have should the war continue. In concluding a peace with Great Britain, even in case of a previous general peace in Europe, it is important to the United States to obtain such a stipulation.

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States at Gottenburg.

DEPARTMENT OF STATE, March 21, 1814.

GENTLEMEN: By the cartel Chauncey you will receive this, with duplicates of the commission

to treat with Great Britain, and of the instructions and other documents that were forwarded by the John Adams. This vessel is sent to guard against any accident which might attend the other.

[Confidential paragraph omitted.]

If a satisfactory arrangement can be concluded with Great Britain, the sooner it is accomplished the happier for both countries. If such an arrangement cannot be obtained, it is important to the United States to be acquainted with it without delay. I hope, therefore, to receive from you an account of the state of the negotiation and its prospects, as soon as you may be able to communicate anything of an interesting nature respecting them.

I have the honor to be, &c.

JAMES MONROE.

Mr. Monroe to the Envoys Extraordinary and Ministers Plenipotentiary of the United States.

DEPARTMENT OF STATE, June 25, 1814.

GENTLEMEN: No communication has been received from the joint mission which was appointed to meet the Commissioners of the British Government at Gottenburg. A letter from Mr. Bayard at Amsterdam, of the 18th of March, was the last from either of our Commissioners. It was inferred from that letter, and other communications, that Mr. Bayard, Mr. Gallatin, and Mr. Adams, would be in Gottenburg; and it has been understood from other sources that Mr. Clay and Mr. Russell had arrived there about the 15th of April. It is, therefore, expected that a meeting will have taken place in May, and that we shall soon be made acquainted with your sentiments of the probable result of the negotiation.

It is impossible, with the lights which have reached us, to ascertain the present disposition of the British Government towards an accommodation with the United States. We think it probable that the late events in France may have had a tendency to increase its pretensions.

At war with Great Britain, and injured by France, the United States have sustained the attitude founded on those relations. No reliance was placed on the good offices of France in bringing the war with Great Britain to a satisfactory conclusion. Looking steadily to an honorable peace, and the ultimate attainment of justice from both Powers, the President has endeavored, by a consistent and honorable policy, to take advantage of every circumstance that might promote that result. He, nevertheless, knew that France held a place in the political system of Europe and of the world, which, as a check on England, could not fail to be useful to us. What effect the late events may have had, in these respects, is the important circumstance of which you are, doubtless, better informed than we can be.

The President accepted the mediation of Russia from a respect for the character of the Emperor, and a belief that our cause, in all the points in controversy, would gain strength by being made known to him. On the same principle he preferred (in accepting the British overture to

Relations with Great Britain.

treat independently of the Russian mediation) to open the negotiation on the Continent rather than at London.

It was inferred from the general policy of Russia, and the friendly sentiments and interposition of the Emperor, that a respect for both would have much influence with the British Cabinet in promoting a pacific policy towards us. The manner, however, in which it is understood that a general pacification is taking place; the influence Great Britain may have in modifying the arrangements involved in it; the resources she may be able to employ exclusively against the United States; and the uncertainty of the precise course which Russia may pursue in relation to the war between the United States and Great Britain, naturally claim attention, and raise the important question in reference to the subject of impressment, on which it is presumed your negotiations will essentially turn, whether your powers ought not to be enlarged so as to enable you to give to those circumstances all the weight to which they may be entitled. On full consideration it has been decided, that, in case no stipulation can be obtained from the British Government at this moment, when its pretensions may have been much heightened by recent events, and the state of Europe be most favorable to them, either relinquishing the claim to impress from American vessels, or discontinuing the practice, even in consideration of the proposed exclusion from them of British seamen, you may concur in an article stipulating that the subject of impressment, together with that of commerce between the two countries, be referred to a separate negotiation, to be undertaken without delay, at such place as you may be able to agree on, preferring this city if to be obtained. I annex at the close of this letter a project of an article expressing more distinctly the idea which it is intended to communicate, not meaning thereby to restrain you in any respect as to the form. Commerce and seamen, the objects of impressment, may, with great propriety, be arranged in the same instrument. By stipulating that Commissioners shall forthwith be appointed for the purpose, and that all rights on this subject shall, in the meantime, be reserved, the faith of the British Government will be pledged to a fair experiment in an amicable mode, and the honor and rights of the United States secured. The United States having resisted by war the practice of impressment, and continued the war until that practice had ceased by a peace in Europe, their object has been essentially obtained for the present. It may reasonably be expected that the arrangement contemplated and provided for, will take effect before a new war in Europe shall furnish an occasion for reviving the practice. Should this arrangement, however, fail, and the practice be again revived, the United States will again be at liberty to repel it by war, and that they will do so cannot be doubted; for after the proof which they have already given of a firm resistance in that mode, persevered in until the practice had ceased, under circumstances the most favorable, it cannot be presumed that

the practice will ever be tolerated again. Certain it is, that every day will render it more ineligible in Great Britain to make the attempt.

In contemplating the appointment of Commissioners, to be made after the ratification of the present treaty, to negotiate and conclude a treaty to regulate commerce, and provide against impressment, it is meant only to show the extent to which you may go, in a spirit of accommodation, if necessary. Should the British Government be willing to take the subject up immediately with you, it would be much preferred, in which case the proposed article would, of course, be adapted to the purpose.

Information has been received, from a quarter deserving attention, that the late events in France have produced such an effect on the British Government as to make it probable that a demand will be made at Gottenburg to surrender our right to the fisheries; to abandon all trade beyond the Cape of Good Hope; and to cede Louisiana to Spain. We cannot believe that such a demand will be made. Should it be, you will of course treat it as it deserves. These rights must not be brought into discussion. If insisted on, your negotiations will cease.

I have the honor to be, with great respect, gentlemen, your most obedient servant,

JAMES MONROE.

Whereas, by the peace in Europe, the essential causes of the war between the United States, and Great Britain, and particularly the practice of impressment, have ceased, and a sincere desire exists to arrange, in a manner satisfactory to both parties, all questions concerning seamen, and it is also their desire and intention to arrange, in a like satisfactory manner, the commerce between the two countries, it is therefore agreed that Commissioners shall forthwith be appointed on each side, to meet at —, with full power to negotiate and conclude a treaty, as soon as may be practicable, for the arrangement of those important interests. It is, nevertheless, understood, that, until such treaty be formed, each party shall retain all its rights, and that all American citizens who have been impressed into the British service shall be forthwith discharged.

Extract of a letter from Mr. Monroe, Secretary of State, to the joint Commissioners of the United States for treating of peace with Great Britain, dated,

DEPARTMENT OF STATE, June 27, 1814.

The omission to send Ministers to Gottenburg, without a previous and official notification of the appointment and arrival there of those of the United States, a formality, which, if due from either party, might have been expected from that making the overture, rather than that accepting it, is a proof of a dilatory policy, and would, in other respects, justify animadversions, if there was less disposition here to overlook circumstances of form, when interfering with more substantial objects.

By my letter of the 25th instant, which goes with this, you will find that the subject had al-

Relations with Great Britain.

ready been acted on under similar impressions with those which Mr. Bayard and Mr. Gallatin's letter could not fail to produce. The view, however, presented by them is much stronger, and entitled to much greater attention. The President has taken the subject into consideration again, and given to their suggestions all the weight to which they are justly entitled.

On mature consideration, it has been decided, that, under all the circumstances alluded to, incident to a prosecution of the war, you may omit any stipulation on the subject of impressment, if found indispensably necessary to terminate it. You will, of course, not recur to this expedient until all your efforts to adjust the controversy in a more satisfactory manner have failed. As it is not the intention of the United States, in suffering the treaty to be silent on the subject of impressment, to admit the British claim thereon, or to relinquish that of the United States, it is highly important that any such inference be entirely precluded, by a declaration or protest, in some form or other, that the omission is not to have any such effect or tendency. Any modification of the practice, to prevent abuses, being an acknowledgment of the right in Great Britain, is utterly inadmissible.

Although Gottenburg was contemplated at the time your commission was made out, as the seat of the negotiation, yet your commission itself does not confine you to it. You are at liberty, therefore, to transfer the negotiation to any other place made more eligible by a change of circumstances. Amsterdam and the Hague readily present themselves as preferable to any place in England. If, however, you should be of opinion that, under all circumstances, the negotiation in that country will be attended with advantages outweighing the objections to it, you are at liberty to transfer it there.

Extract of a letter from the Secretary of State to the Commissioners of the United States for treating of peace with Great Britain, dated

DEPARTMENT OF STATE,

August 11, 1814.

I had the honor to receive, on the 3d of this month, a letter from Mr. Bayard and Mr. Gallatin, of the 23d of May, and one from Mr. Gallatin of the 2d of June.

The President approves the arrangement communicated by those gentlemen for transferring the negotiation with the British Government from Gottenburg to Ghent. It is presumed, from Mr. Gallatin's letter, that the meeting took place towards the latter end of June, and that we shall soon hear from you what will be its probable result.

By my letters of the 25th and 27th of June, of which another copy is now forwarded, the sentiments of the President, as to the conditions on which it will be proper for you to conclude a treaty of peace, are made known to you. It is presumed that either in the mode suggested in my letter of the 25th of June, which is much

preferred, or by permitting the treaty to be silent on the subject, as is authorized in the letter of the 27th of June, the question of impressment may be so disposed of as to form no obstacle to a pacification. This Government can go no further, because it will make no sacrifice of the rights or honor of the nation.

If Great Britain does not terminate the war on the conditions which you are authorized to adopt, she has other objects in it than those for which she has hitherto professed to contend. That such are entertained, there is much reason to presume. These, whatever they may be, must and will be resisted by the United States. The conflict may be severe, but it will be borne with firmness, and, as we confidently believe, be attended with success.

From the Commissioners Extraordinary and Plenipotentiary of the United States for treating of peace with Great Britain, to the Secretary of State, dated

GHENT, August 12, 1814.

SIR: We have the honor to inform you that the British Commissioners, Lord Gambier, Henry Goulburn, Esq., and William Adams, Esq., arrived in this city on Saturday evening, the 6th instant. The day after their arrival, Mr. Baker, their secretary, called upon us to give us notice of the fact, and to propose a meeting at a certain hour on the ensuing day. The place having been agreed upon, we accordingly met at one o'clock on Monday, the 8th instant.

We enclose, herewith, a copy of the full powers exhibited by the British Commissioners at that conference, which was opened, on their part, by an expression of the sincere and earnest desire of their Government that the negotiation might result in a solid peace, honorable to both parties. They, at the same time, declared that no events which had occurred since the first proposal for this negotiation had altered the pacific disposition of their Government, or varied its views as to the terms upon which it was willing to conclude the peace.

We answered, that we heard these declarations with great satisfaction, and that our Government had acceded to the proposal of negotiation, with the most sincere desire to put an end to the differences which divided the two countries, and to lay, upon just and liberal grounds, the foundation of a peace which, securing the rights and interests of both nations, should unite them by lasting bonds of amity.

The British Commissioners then stated the following subjects as those upon which it appeared to them that the discussions would be likely to turn, and on which they were instructed:

1st. The forcible seizure of mariners on board of merchant vessels, and, in connexion with it, the claim of His Britannic Majesty to the allegiance of all the native subjects of Great Britain.

We understood them to intimate that the British Government did not propose this point as one which they were particularly desirous of discussing; but that, as it had occupied so prominent

Relations with Great Britain.

a place in the dispute between the two countries, it necessarily attracted notice, and was considered as a subject which would come under discussion.

2d. The Indian allies of Great Britain to be included in the pacification, and a definite boundary to be settled for their territory.

The British Commissioners stated that an arrangement upon this point was a *sine qua non*; that they were not authorized to conclude a treaty of peace which did not embrace the Indians as allies of His Britannic Majesty; and that the establishment of a definite boundary of the Indian territory was necessary to secure a permanent peace, not only with the Indians, but also between the United States and Great Britain.

3d. A revision of the boundary line between the United States and the adjacent British colonies.

With respect to this point, they expressly disclaimed any intention, on the part of their Government, to acquire an increase of territory, and represented the proposed revision as intended merely for the purpose of preventing uncertainty and dispute.

After having stated these three points as subjects of discussion, the British Commissioners added, that before they desired any answer from us, they felt it incumbent upon them to declare, that the British Government did not deny the right of the Americans to the fisheries generally, or in the open seas; but that the privileges formerly granted by treaty to the United States, of fishing within the limits of the British jurisdiction, and of landing and drying fish on the shores of the British territories, would not be renewed without an equivalent.

The extent of what was considered by them as waters peculiarly British, was not stated. From the manner in which they brought this subject into view, they seemed to wish us to understand that they were not anxious that it should be discussed, and that they only intended to give us notice that these privileges had ceased to exist, and would not be again granted without an equivalent, nor unless we thought proper to provide expressly in the treaty of peace for their renewal.

The British Commissioners having stated that these were all the subjects which they intended to bring forward, or to suggest, requested to be informed whether we were instructed to enter into negotiation on these several points, and whether there was any among these which we thought it unnecessary to bring into the negotiation? and they desired us to state, on our part, such other subjects as we might intend to propose for discussion in the course of the negotiation. The meeting was then adjourned to the next day, in order to afford us the opportunity of a consultation among ourselves, before we gave an answer.

In the course of the evening of the same day, we received your letters of the 25th and 27th of June.

There could be no hesitation on our part in informing the British Commissioners that we were not instructed on the subjects of Indian pacification or boundary, and of fisheries; nor did it seem

probable, although neither of these points had been stated with sufficient precision in the first verbal conference, that they could be admitted in any shape. We did not wish, however, to prejudge the result, or, by any hasty proceeding, abruptly to break off the negotiation. It was not impossible that, on the subject of the Indians, the British Government had received erroneous impressions from the Indian traders in Canada, which our representations might remove. And it appeared, at all events, important to ascertain distinctly the precise intentions of Great Britain on both points. We, therefore, thought it advisable to invite the British Commissioners to a general conversation on all the points; stating to them, at the same time, our want of instructions on two of them, and holding out no expectation of the probability of our agreeing to any article respecting these.

At our meeting on the ensuing day, we informed the British Commissioners that, upon the first and third points proposed by them, we were provided with instructions; and we presented as further subjects considered by our Government as suitable for discussion—

1st. A definition of blockade, and, as far as might be mutually agreed, of other neutral and belligerent rights.

2d. Claims of indemnity in certain cases of capture and seizure.

We then stated that the two subjects, first, of Indian pacification and boundary; second, of fisheries, were not embraced by our instructions. We observed, that as these points had not been heretofore the grounds of any controversy between the Government of Great Britain and that of the United States, and had not been alluded to by Lord Castlereagh in his letter proposing the negotiation, it could not be expected that they should have been anticipated and made the subject of instructions by our Government. That it was natural to be supposed that our instructions were confined to those subjects upon which differences between the two countries were known to exist; and that the proposition to define, in the treaty between the United States and Great Britain the boundary of the Indian possessions within our own territories, was new and without example. No such provision had been inserted in the Treaty of Peace in 1783, nor in any other treaty between the two countries. No such provision had, to our knowledge, ever been inserted in any treaty made by Great Britain, or any other European Power, in relation to the same description of people, existing under like circumstances. We would say, however, that it could not be doubted that peace with the Indians would certainly follow a peace with Great Britain; that we had information that commissioners had already been appointed to treat with them; that a treaty to that effect might, perhaps, have been already concluded; and that the United States, having no interest nor any motive to continue a separate war against the Indians, there could never be a moment when our Government would not be disposed to make peace with them.

Relations with Great Britain.

We then expressed our wish to receive from the British Commissioners a statement of the views and objects of Great Britain upon all the points, and our willingness to discuss them all, in order that, even if no arrangement could be agreed on upon the points not included in our instructions, the Government of the United States might be possessed of the entire and precise intentions of that of Great Britain respecting these points; and that the British Government might be fully informed of the objections, on the part of the United States, to any such arrangement.

In answer to our remark, that these points had not been alluded to by Lord Castlereagh in his letter proposing the negotiation, it was said that it could not be expected that, in a letter merely intended to invite a negotiation, he should enumerate the topics of discussion, or state the pretensions of his Government, since these would depend upon ulterior events, and might arise out of a subsequent state of things.

In reply to our observation, that the proposed stipulation of an Indian boundary was without example in the practice of European nations, it was asserted that the Indians must in some sort be considered as an independent people, since treaties were made with them both by Great Britain and by the United States; upon which we pointed out the obvious and important difference between the treaties we might make with Indians living in our territory and such a treaty as was proposed to be made respecting them with a foreign Power, who had solemnly acknowledged the territory on which they resided to be part of the United States.

We were then asked by the British Commissioners, whether, in case they should enter further upon the discussion of the several points which had been stated, we could expect that it would terminate by some provisional arrangement on the points on which we had no instructions, particularly on that respecting the Indians, which arrangement would be subject to the ratification of our Government.

We answered, that before the subjects were distinctly understood, and the objects in view more precisely disclosed, we could not decide whether it would be possible to form any satisfactory article on the subject, nor pledge ourselves as to the exercise of a discretion under our powers, even with respect to a provisional agreement. We added, that, as we should deeply deplore a rupture of the negotiation on any point, it was our anxious desire to employ all possible means to avert an event so serious in its consequences; and that we had not been without hopes that a discussion might correct the effect of any erroneous information which the British Government might have received on the subject which they had proposed as a preliminary basis.

We took this opportunity to remark, that no nation observed a policy more liberal and humane towards the Indians than that pursued by the United States; that our object had been, by all practicable means, to introduce civilization among them; that their possessions were secured to them

by well-defined boundaries; that their persons, lands, and other property, were now more effectually protected against violence or frauds, from any quarter, than they had been under any former Government; that even our citizens were not allowed to purchase their lands; that when they gave up their title to any portion of their country to the United States, it was by voluntary treaty with our Government, who gave them a satisfactory equivalent; and that through these means the United States had succeeded in preserving, since the Treaty of Greenville of 1795, an uninterrupted peace of sixteen years with all the Indian tribes—a period of tranquillity much longer than they were known to have enjoyed heretofore.

It was then expressly stated on our part, that the proposition respecting the Indians was not distinctly understood. We asked whether the pacification and the settlement of a boundary for them were both made a *sine qua non*? which was answered in the affirmative. The question was then asked the British Commissioners, whether the proposed Indian boundary was intended to preclude the United States from the right of purchasing by treaty from the Indians, without the consent of Great Britain, lands lying beyond that boundary, and as a restriction upon the Indians from selling, by amicable treaties, lands to the United States, as had been hitherto practised?

To this question it was first answered, by one of the Commissioners, that the Indians would not be restricted from selling their lands, but that the United States would be restricted from purchasing them; and, on reflection, another of the Commissioners stated that it was intended that the Indian territories should be a barrier between the British dominions and those of the United States; that both Great Britain and the United States should be restricted from purchasing their lands; but that the Indians might sell them to a third party.

The proposition respecting Indian boundaries, thus explained, and connected with the right of sovereignty ascribed to the Indians over the country, amounted to nothing less than a demand of the absolute cession of the rights both of sovereignty and of soil. We cannot abstain from remarking to you, that the subject of Indian boundary was indistinctly stated when first proposed, and that the explanations were at first obscure, and always given with reluctance; and it was declared, from the first moment, to be a *sine qua non*, rendering any discussion unprofitable until it was admitted as a basis. Knowing that we had no power to cede to the Indians any part of our territory, we thought it unnecessary to ask, what probably would not have been answered till the principle was admitted, where the line of demarcation of the Indian country was proposed to be established.

The British Commissioners, after having repeated that their instructions on the subject of the Indians were peremptory, stated that, unless we could give some assurance that our powers would allow us to make at least a provisional ar-

Relations with Great Britain.

rangement on the subject, any further discussion would be fruitless; and that they must consult their own Government on this state of things. They proposed, accordingly, a suspension of the conferences until they should have received an answer; it being understood that each party might call a meeting whenever they had any propositions to submit. They despatched a special messenger the same evening, and we are now waiting for the result.

Before the proposed adjournment took place, it was agreed that there should be a protocol of the conferences; that a statement should, for that purpose, be drawn up by each party; and that we should meet the next day to compare the statements. We accordingly met again on Wednesday, the 10th instant, and ultimately agreed on what should constitute the protocol of the conferences. A copy of this instrument we have the honor to transmit with this despatch; and we also enclose a copy of the statement originally drawn up on our part, for the purpose of making known to you the passages to which the British Commissioners objected.

Their objection to some of the passages was, that they appeared to be argumentative, and that the object of the protocol was to contain a mere statement of facts. They, however, objected to the insertion of the answer which they had given to our question respecting the effect of the proposed Indian boundary; but they agreed to an alteration of their original proposition on that subject, which renders it much more explicit than as stated, either in the first conference or in their proposed draught of the protocol. They also objected to the insertion of the fact, that they had proposed to adjourn the conferences until they could obtain further instructions from their Government. The return of their messenger may, perhaps, disclose the motive of their reluctance in that respect.

We have the honor to be, very respectfully,
your obedient servants,

JOHN QUINCY ADAMS,
J. A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL.

Draught of original Protocol, made by the American Ministers, of the two first conferences held with the British Commissioners.

At a meeting between the Commissioners of His Britannic Majesty and those of the United States of America, for negotiating and concluding a peace, held at Ghent, 8th August, 1814, the following points were presented, by the Commissioners on the part of Great Britain, as subjects for discussion:

1. The forcible seizure of mariners on board of merchant vessels, and the claim of allegiance of His Britannic Majesty upon all the native born subjects of Great Britain.

2. The Indian allies of Great Britain to be included in the pacification, and a boundary to be settled between the dominions of the Indians and

those of the United States. Both parts of this point are considered by the British Government as a *sine qua non* to the conclusion of the treaty.

3. The revision of the boundary line between the territories of the United States and those of Great Britain adjoining them, in North America.

4. The fisheries, respecting which the British Government will not allow the people of the United States the privilege of landing and drying fish, within the territorial jurisdiction of Great Britain, without an equivalent.

The American Commissioners were requested to say whether their instructions from their Government authorized them to treat upon these several points; and to state, on their part, such other points as they might be further instructed to propose for discussion.

The meeting was adjourned to Tuesday, the 9th August, on which day the Commissioners met again.

The American Commissioners, at this meeting, stated that, upon the first and third points proposed by the British Commissioners, they were provided with instructions from their Government; and that on the second and fourth of these points, there not having existed heretofore any differences between the two Governments, they had not been anticipated by the Government of the United States, and were, therefore, not provided for in their instructions. That, in relation to an Indian pacification, they knew that the Government of the United States had appointed commissioners to treat of peace with the Indians; and that it was not improbable that peace had been made with them.

The American Commissioners presented, as further points [subjects] considered by the Government of the United States as suitable for discussion—

1. A definition of blockade, and, as far as may be agreed, of other neutral and belligerent rights.

2. Certain claims of indemnity to individuals for captures and seizures preceding and subsequent to the war.

3. They further stated that there were various other points, to which their instructions extended, which might, with propriety, be objects of discussion, either in the negotiation of the peace or in that of a treaty of commerce, which, in the case of a propitious termination of the present conferences, they were likewise authorized to conclude. That, for the purpose of facilitating the first and most essential object of peace, they had discarded every subject which was not considered peculiarly connected with that, and presented only those points which appeared to be immediately relevant to this negotiation.

The American Commissioners expressed their wish to receive from the British Commissioners a statement of the views and objects of Great Britain upon all the points, and their willingness to discuss them all, in order that, if no arrangement could be agreed to upon the points not in their instructions, which would come within the scope of the powers committed to their discretion, the Government of the United States might be

Relations with Great Britain.

put in possession of the entire and precise intentions of that of Great Britain with regard to such points; and that the British Government might be fully informed of the objections, on the part of the United States, to any such arrangement.

They, the American Commissioners, were asked whether, if those of Great Britain should enter further upon the discussion, particularly respecting the Indian boundary, the American Commissioners could expect that it would terminate by some provisional arrangement, which they could conclude, subject to the ratification of their Government?

They answered that, as any arrangement to which they could agree upon the subject must be without specific authority from their Government, it was not possible for them, previous to discussion, to decide whether an article on the subject could be formed which would be mutually satisfactory, and to which they should think themselves, under their discretionary powers, justified in acceding.

The British Commissioners declined entering upon the discussion, unless the American Commissioners would say that they considered it within their discretion to make a provisional arrangement on the subject, conformable to the view of it prescribed by the British Government, and proposed to adjourn the conferences for the purpose of consulting their own Government on this state of things.

The British Commissioners were asked whether it was understood, as an effect of the proposed boundary for the Indians, that the United States would be precluded from the right of purchasing territory from the Indians within that boundary, by amicable treaty with the Indians themselves, without the consent of Great Britain? And whether it was understood to operate as a restriction upon the Indians for selling, by such amicable treaties, lands to the United States, as has been hitherto practised?

They answered, that it was understood that the Indian territories should be a barrier between the British possessions and those of the United States; that the United States and Great Britain should both be restricted from such purchases of lands; but that the Indians would not be restricted from selling them to any third party.

The meeting was then adjourned to Wednesday, 10th August.

C. HUGHES, JR.,

Secretary to the Mission Extraordinary.

Protocol of Conference, August 8, 1814.

The British and American Commissioners having met, their full powers were respectively produced, which were found satisfactory, and copies thereof were exchanged.

The British Commissioners stated the following subjects, as those upon which it appeared to them that the discussions between themselves and the American Commissioners would be likely to turn:

1st. The forcible seizure of mariners from on

board merchant ships on the high seas, and, in connexion with it, the right of the King of Great Britain to the allegiance of all his native subjects.

2d. That the peace be extended to the Indian allies of Great Britain, and that the boundary of their territory be definitively marked out as a permanent barrier between the dominions of Great Britain and the United States. An arrangement on this subject to be a *sine qua non* of a Treaty of Peace.

3d. A revision of the boundary line between the British and American Territories, with the view to prevent future uncertainty and dispute.

The British Commissioners requested information whether the American Commissioners were instructed to enter into negotiation on the above points. But, before they desired any answer, they felt it right to communicate the intentions of their Government as to the North American fisheries, viz: that the British Government did not intend to grant to the United States, gratuitously, the privileges formerly granted by treaty to them, of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the fisheries.

AUGUST 9.

The meeting being adjourned to the 9th August, the Commissioners met again on that day.

The American Commissioners at this meeting stated that, upon the first and third points proposed by the British Commissioners, they were provided with instructions from their Government; and that the second and fourth of these points were not provided for in their instructions. That, in relation to an Indian pacification, they knew that the Government of the United States had appointed Commissioners to treat of peace with the Indians, and that it was not improbable peace had been made with them.

The American Commissioners presented, as further subjects considered by the Government of the United States as suitable for discussion—

1st. A definition of blockade, and, as far as may be agreed, of other neutral and belligerent rights.

2d. Certain claims of indemnity to individuals for captures and seizures preceding and subsequent to the war.

3d. They further stated that there were various other points to which their instructions extended, which might, with propriety, be objects of discussion, either in the negotiation of the peace, or in that of a treaty of commerce, which, in the case of a propitious termination of the present conferences, they were likewise authorized to conclude. That, for the purpose of facilitating the first and most essential object of peace, they had discarded every subject which was not considered as peculiarly connected with that, and presented only those points which appeared to be immediately relevant to this negotiation.

The American Commissioners expressed their wish to receive from the British Commissioners a statement of the views and objects of Great Britain upon all the points, and their willingness to discuss them all.

Relations with Great Britain.

They, the American Commissioners, were asked whether, if those of Great Britain should enter further upon this discussion, particularly respecting the Indian boundary, the American Commissioners could expect that it would terminate by some provisional arrangement which they could conclude, subject to the ratification of their Government.

They answered that, as any arrangement to which they could agree upon the subject must be without specific authority from their Government, it was not possible for them, previous to the discussion, to decide whether any article on the subject could be formed which would be mutually satisfactory, and to which they should think themselves, under their discretionary powers, justified in acceding.

The meeting was adjourned.

True copy:

C. HUGHES, JR.,
Secretary of Legation.

Messrs. Adams, Bayard, Clay, Russell, and Gallatin,
to Mr. Monroe, Secretary of State.

Ghent, August 19, 1814.

SIR: Mr. Baker, secretary to the British mission, called upon us to-day at one o'clock, and invited us to a conference to be held at three. This was agreed to; and the British Commissioners opened it by saying that they had received their further instructions this morning, and had not lost a moment in requesting a meeting for the purpose of communicating the decision of their Government. It is proper to notice that Lord Castlereagh had arrived last night in this city, whence, it is said, he will depart to-morrow, on his way to Brussels and Vienna.

The British Commissioners stated that their Government had felt some surprise that we were not instructed respecting the Indians, as it could not have been expected that they would leave their allies in their comparatively weak situation, exposed to our resentment. Great Britain might justly have supposed that the American Government would have furnished us with instructions, authorizing us to agree to a positive article on the subject; but the least she could demand was, that we should sign a provisional article, admitting the principle, subject to the ratification of our Government, so that if it should be ratified the treaty should take effect; and if not, that it should be null and void. On our assent or refusal to admit such an article, would depend the continuance or suspension of the negotiation.

As we had represented that the proposition made by them on that subject was not sufficiently explicit, their Government had directed them to give us every necessary explanation, and to state distinctly the basis which must be considered as an indispensable preliminary.

It was a *sine qua non* that the Indians should be included in the pacification, and, as incident thereto, that the boundaries of their territory should be permanently established. Peace with the Indians was a subject so simple as to require

no comment. With respect to the boundaries which were to divide their territory from that of the United States, the object of the British Government was, that the Indians should remain as a permanent barrier between our western settlements and the adjacent British provinces, to prevent them from being conterminous to each other; and that neither the United States nor Great Britain should ever hereafter have the right to purchase or acquire any part of the territory thus recognised as belonging to the Indians. With regard to the extent of the Indian territory and the boundary line, the British Government would propose the lines of the Greenville Treaty as a proper basis, subject, however, to discussion and modifications.

We stated that the Indian territory, according to these lines, would comprehend a great number of American citizens; not less, perhaps, than a hundred thousand; and asked what was the intention of the British Government respecting them, and under whose Government they would fall? It was answered that those settlements would be taken into consideration when the line became a subject of discussion; but that such of the inhabitants as would ultimately be included within the Indian Territory must make their own arrangements, and provide for themselves.

The British Commissioners here said that, considering the importance of the question we had to decide, (that of agreeing to a provisional article) their Government had thought that we should also be fully informed of its views with respect to the proposed revision of the boundary line between the dominions of Great Britain and the United States.

1st. Experience had proved that the joint possession of the Lakes, and a right common to both nations to keep up a naval force on them, necessarily produced collisions, and rendered peace insecure. As Great Britain could not be supposed to expect to make conquests in that quarter, and as that province was essentially weaker than the United States, and exposed to invasion, it was necessary for its security that Great Britain should require that the United States should hereafter keep no armed naval force on the western lakes from Lake Ontario to Lake Superior, both inclusive; that they should not erect any fortified or military post or establishment on the shores of those lakes; and that they should not maintain those which were already existing. This must, they said, be considered as a moderate demand, since Great Britain, if she had not disclaimed the intention of any increase of territory might, with propriety, have asked a cession of the adjacent American shores. The commercial navigation and intercourse would be left on the same footing as heretofore. It was expressly stated (in answer to a question we asked) that Great Britain was to retain the right of having an armed naval force on those lakes, and of holding military posts and establishments on their shores.

2d. The boundary line west of Lake Superior, and thence to the Mississippi, to be revised; and the treaty-right of Great Britain to the naviga-

Relations with Great Britain.

tion of the Mississippi to be continued. When asked whether they did not mean the line from the Lake of the Woods to the Mississippi? the British Commissioners repeated, that they meant the line from Lake Superior to that river.

3d. A direct communication from Halifax, and the Province of New Brunswick, to Quebec, to be secured to Great Britain. In answer to our question, in what manner this was to be effected, we were told that it must be done by a cession to Great Britain of that portion of the District of Maine, in the State of Massachusetts, which intervenes between New Brunswick and Quebec, and prevents the direct communication.

Reverting to the proposed provisional article respecting the Indian pacification and boundary, the British Commissioners concluded by stating to us, that if the conferences should be suspended by our refusal to agree to such an article, without having obtained further instructions from our Government, Great Britain would not consider herself bound to abide by the terms which she now offered, but would be at liberty to vary and regulate her demands according to subsequent events, and in such manner as the state of the war, at the time of renewing the negotiations, might warrant.

We asked whether the statement made respecting the proposed revision of the boundary line between the United States and the dominions of Great Britain embraced all the objects she meant to bring forward for discussion, and what were particularly her views with respect to Moose Island, and such other islands in the bay of Passamaquoddy as had been in our possession till the present war, but had been lately captured? We were answered that those islands, belonging of right to Great Britain (as much so, one of the Commissioners said, as Northamptonshire,) they would certainly be kept by her, and were not even supposed to be an object of discussion.

From the forcible manner in which the demand that the United States should keep no naval armed force on the Lakes, nor any military posts on their shores, had been brought forward, we were induced to inquire whether this condition was also meant as a *sine qua non*? To this the British Commissioners declined giving a positive answer. They said that they had been sufficiently explicit; that they had given us one *sine qua non*, and, when we had disposed of that, it would be time enough to give us an answer to another.

We then stated that, considering the nature and importance of the communication made this day, we wished the British Commissioners to reduce their proposals to writing before we gave them an answer. This they agreed to, and promised to send us an official note without delay.

We need hardly say, that the demands of Great Britain will receive from us an unanimous and decided negative. We do not deem it necessary to detain the John Adams for the purpose of transmitting to you the official notes which may pass on the subject and close the negotiation. And we have felt it our duty immediately to apprize you, by this hasty but correct sketch of our

last conference, that there is not, at present, any hope of peace.

We have the honor to be, sir, with perfect respect, your obedient servants,

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

P. S. August 20, 1814.—We have this moment received the note of the British Commissioners, which had been promised to us, bearing date yesterday, a copy of which we have the honor to enclose.

Note of the British Commissioners.

GHEAT, August 19, 1814.

The undersigned Plenipotentiaries of His Britannic Majesty do themselves the honor of acquainting the Plenipotentiaries of the United States, that they have communicated to their Court the result of the conference which they had the honor of holding with them upon the 9th instant, in which they stated that they were unprovided with any specific instructions as to comprehending the Indian nations in a treaty of peace to be made with Great Britain, and as to defining a boundary to the Indian territory.

The undersigned are instructed to acquaint the Plenipotentiaries of the United States, that His Majesty's Government having, at the outset of the negotiation, with a view to the speedy restoration of peace, reduced, as far as possible, the number of points to be discussed, and having professed themselves willing to forego, on some important topics, any stipulation to the advantage of Great Britain, cannot but feel some surprise that the Government of the United States should not have furnished their Plenipotentiaries with instructions upon those points which could hardly fail to come under discussion.

Under the inability of the American Plenipotentiaries to conclude any article upon the subject of Indian pacification and Indian boundary, which shall bind the Government of the United States, His Majesty's Government conceive that they cannot give a better proof of their sincere desire for the restoration of peace than by professing their willingness to accept a provisional article upon those heads, in the event of the American Plenipotentiaries considering themselves authorized to accede to the general principles upon which such an article ought to be founded. With a view to enable the American Plenipotentiaries to decide how far the conclusion of such an article is within the limit of their general discretion, the undersigned are directed to state fully and distinctly the basis upon which alone Great Britain sees any prospect of advantage in the continuance of the negotiation at the present time.

The undersigned have already had the honor of stating to the American Plenipotentiaries that, in considering the points above referred to as a *sine qua non* of any treaty of peace, the view of the British Government is the permanent tran-

Relations with Great Britain.

quillity and security of the Indian nations, and the prevention of those jealousies and irritations to which the frequent alteration of the Indian limits has heretofore given rise. For this purpose it is indispensably necessary that the Indian nations who have been, during the war, in alliance with Great Britain, should, at the termination of the war, be included in the pacification.

It is equally necessary that a definite boundary should be assigned to the Indians, and that the contracting parties should guarantee the integrity of their territory by a mutual stipulation not to acquire, by purchase or otherwise, any territory within the special limits. The British Government are willing to take as the basis of an article on this subject those stipulations of the Treaty of Greenville, subject to modifications, which relate to a boundary line.

As the undersigned are desirous of stating every point in connexion with the subject which may reasonably influence the decision of the American Plenipotentiaries in the exercise of their discretion, they avail themselves of this opportunity to repeat what they have already stated, Great Britain desires the revision of the frontier between her North American dominions and those of the United States, not with any view to an acquisition of territory, as such, but for the purpose of securing her possessions and preventing future disputes.

The British Government consider the lakes from Lake Ontario to Lake Superior, both inclusive, to be the natural military frontier of the British possessions in North America. As the weaker Power on the North American continent, the least capable of acting offensively, and the most exposed to sudden invasion, Great Britain considers the military occupation of these lakes as necessary to the security of her dominions. A boundary line equally dividing these waters, with a right in each nation to arm, both upon the lakes and upon their shores, is calculated to create a contest for naval ascendancy in peace as well as in war. The Power which occupies these lakes should, as a necessary result, have the military occupation of both shores. In furtherance of this object, the British Government is prepared to propose a boundary. But as this might be misconstrued as an intention to extend their possessions to the southward of the lakes, (which is by no means the object they have in view,) they are disposed to leave the territorial limits undisturbed, and as incident to them, the free commercial navigation of the lakes, provided that the American Government will stipulate not to maintain or construct any fortifications upon, or within, a limited distance of the shores, or maintain or construct any armed vessels upon the lakes in question, or in the rivers which empty themselves into the same.

If this can be adjusted, there will then remain for discussion the arrangement of the Northwestern boundary between Lake Superior and the Mississippi, the free navigation of that river, and such a variation of the line of frontier as may secure a direct communication between Quebec and Halifax.

The undersigned trust that the full statement which they have made of the views and objects of the British Government, in requiring the pacification of the Indian nations, and a permanent limit to their territories, will enable the American Plenipotentiaries to conclude a provisional article upon the basis above stated. Should they feel it necessary to refer to the Government of the United States for further instructions, the undersigned feel it incumbent upon them to acquaint the American Plenipotentiaries that their Government cannot be precluded by anything that has passed, from varying the terms at present proposed, in such a manner as the state of the war, at the time of resuming the conferences, may, in their judgment, render advisable.

The undersigned avail themselves of this occasion to renew to the Plenipotentiaries of the United States the assurance of their high consideration.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

The Plenipotentiaries of the United States to the Secretary of State.

Ghent, October 25, 1814.

SIR: We have the honor of transmitting herewith copies of all our correspondence with the British Plenipotentiaries, since the departure of Mr. Dallas. Although the negotiation has not terminated so abruptly as we expected at that period that it would, we have no reason to retract the opinion which we then expressed, that no hopes of peace, as likely to result from it, could be entertained. It is true, that the terms which the British Government had so peremptorily prescribed at that time have been apparently abandoned, and that the *sine qua non* then required as a preliminary to all discussion upon other topics has been reduced to an article securing merely an Indian pacification, which we have agreed to accept, subject to the ratification or rejection of our Government. But you will perceive that our request for the exchange of a project of a treaty has been eluded, and that, in their last note, the British Plenipotentiaries have advanced a demand not only new and inadmissible, but totally incompatible with their uniform previous declarations that Great Britain had no view in this negotiation to any acquisition of territory. It will be perceived that this new pretension was brought forward immediately after the accounts had been received that a British force had taken possession of all that part of the State of Massachusetts situate east of Penobscot river. The British Plenipotentiaries have invariably referred to their Government every note received from us, and waited the return of their messenger before they have transmitted to us their answer, and the whole tenor of the correspondence, as well as the manner in which it has been conducted on the part of the British Government, have concurred to convince us that their object has been delay; their motives for this policy we presume to have been to keep the alternative of peace, or of a protracted

Relations with Great Britain.

war in their own hands, until the general arrangement of European affairs should be accomplished at the Congress of Vienna, and until they could avail themselves of the advantages which they have anticipated from the success of their arms during the present campaign in America.

Although the Sovereigns who had determined to be present at the Congress of Vienna have been already several weeks assembled there, it does not appear by the last advices from that place that the Congress has been formally opened. On the contrary, by a declaration from the plenipotentiaries of the Powers, who were parties to the peace of Paris of 30th of May last, the opening of the Congress appears to have been postponed to the 1st of November. A memorial is said to have been presented by the French Ambassador, Talleyrand, in which it is declared that France, having returned to her boundaries in 1792, can recognise none of the aggrandizements of the other great Powers of Europe since that period, although not intending to oppose them by war.

These circumstances indicate that the new basis for the political system of Europe will not be so speedily settled as had been expected. The principle thus assumed by France is very extensive in its effects, and opens a field for negotiation much wider than had been anticipated. We think it does not promise an aspect of immediate tranquillity to this Continent, and that it will disconcert particularly the measures which Great Britain has been taking with regard to the future destination of this country, among others, and to which she has attached apparently much importance.

We have the honor to be, with great respect, sir, your very humble servants,

JOHN QUINCY ADAMS,
J. A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

Hon. JAMES MONROE,
Secretary of State.

[Referred to in the despatch of October 25, 1814.]

The American to the British Ministers.

Ghent, August 24, 1814.

The undersigned Ministers Plenipotentiary and Extraordinary, from the United States of America, have given to the official note which they have had the honor of receiving from His Britannic Majesty's Plenipotentiaries, the deliberate attention which the importance of its contents required, and have now that of transmitting to them their answer on the several points to which it refers.

They would present to the consideration of the British Plenipotentiaries that Lord Castlereagh, in his letter of the 4th November, 1813, to the American Secretary of State, pledges the faith of the British Government, that "they were willing to enter into discussion with the Government of America for the conciliatory adjustment of

the differences subsisting between the two States, with an earnest desire on their part to bring them to a favorable issue, upon principles of perfect reciprocity, not inconsistent with the established maxims of public law, and with the maritime rights of the British empire." This fact alone might suffice to show, that it ought not to have been expected that the American Government, in acceding to this proposition, should have exceeded its terms, and furnished the undersigned with instructions authorizing them to treat with the British Plenipotentiaries respecting the Indians situated within the boundaries of the United States. That such expectation was not entertained by the British Government might also have been inferred from the explicit assurances which the British Plenipotentiaries gave on the part of their Government, at the first conference which the undersigned had the honor of holding with them, that no events subsequent to the first proposals for this negotiation had, in any manner, varied either the disposition of the British Government, that it might terminate in a peace honorable to both parties, or the terms upon which they would be willing to conclude it.

It is well known that the differences which unhappily subsisted between Great Britain and the United States, and which ultimately led to the present war, were wholly of a maritime nature, arising principally from the British Orders in Council in relation to blockades, and from the impressment of mariners on board of American vessels. The boundary of the Indian territory had never been a subject of difference between the two countries. Neither the principles of reciprocity, the maxims of public law, nor the maritime rights of the British empire, could require the permanent establishment of such boundary. The novel pretensions now advanced could no more have been anticipated by the Government of the United States, in forming instructions for this negotiation, than they seem to have been contemplated by that of Great Britain in November last in proposing it. Lord Castlereagh's note makes the termination of the war to depend on a conciliatory adjustment of the differences then subsisting between the two States, and on no other condition whatever.

Nor could the American Government have foreseen that Great Britain, in order to obtain peace for the Indians residing within the dominions of the United States, whom she had induced to take part with her in the war, would demand that they should be made parties to the treaty between the two nations; or that the boundaries of their lands should be permanently and irrevocably fixed by that treaty. Such a proposition is contrary to the acknowledged principles of public law, and to the practice of all civilized nations, particularly of Great Britain and of the United States. It is not founded on reciprocity; it is unnecessary for the attainment of the object which it professes to have in view.

No maxim of public law has hitherto been more universally established among the Powers of Europe possessing territories in America, and

Relations with Great Britain.

there is none to which Great Britain has more uniformly and inflexibly adhered than that of suffering no interposition of a foreign Power in the relations between the acknowledged Sovereign of the territory and the Indians situated upon it. Without the admission of this principle there would be no intelligible meaning attached to stipulations establishing boundaries between the dominions in America of civilized nations, possessing territories inhabited by Indian tribes. Whatever may be the relations of Indians to the nation in whose territory they are thus acknowledged to reside, they cannot be considered as an independent Power by the nation which has made such an acknowledgment.

That the territory of which Great Britain wishes now to dispose is within the dominions of the United States was solemnly acknowledged by herself in the Treaty of Peace of 1783, which established their boundaries, and by which she relinquished all claims to the government, propriety, and territorial rights within those boundaries. No condition respecting the Indians residing there was inserted in that treaty. No stipulation similar to that now proposed is to be found in any treaty made by Great Britain, or, within the knowledge of the undersigned, by any other nation.

The Indian tribes for which Great Britain proposes now to stipulate, have themselves acknowledged this principle. By the Greenville Treaty of 1795, to which the British Plenipotentiaries have alluded, it is expressly stipulated, and the condition has been confirmed by every subsequent treaty, so late as the year 1810, "that the Indian tribes shall quietly enjoy their lands, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States; but that when those tribes, or any of them, shall be disposed to sell their lands, they are to be sold only to the United States; that, until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude on the same; and that the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and of no other Power whatever."

That there is no reciprocity in the proposed stipulation is evident. In prohibiting Great Britain and the United States from purchasing lands within a part of the dominions of the latter Power, while it professes to take from Great Britain a privilege which she had not, it actually deprives the United States of a right exclusively belonging to them.

The proposition is also utterly unnecessary for the purpose of obtaining a pacification for the Indians residing within the territories of the United States. The undersigned have already had the honor of informing the British Plenipotentiaries that, under the system of liberal policy adopted by the United States in their relations with the Indians within their territories, an uninterrupted peace had subsisted from the year 1795, not only

between the United States and all those tribes, but also among those tribes themselves, for a longer period of time than ever had been known since the first settlement of North America. Against those Indians the United States have neither interest nor inclination to continue the war. They have nothing to ask of them but peace. Commissioners on their part have been appointed to conclude it, and an armistice was actually made last Autumn with most of those tribes. The British Government may again have induced some of them to take their side in the war; but peace with them will necessarily follow immediately a peace with Great Britain. To a provisional article similar to what has been stipulated in some former treaties, engaging that each party will treat for the Indians within its territories, include them in the peace, and use its best endeavors to prevent them from committing hostilities against the citizens or subjects of the other party, the undersigned might assent, and rely on the approbation and ratification of their Government. They would, also, for the purpose of securing the duration of peace, and to prevent collisions which might interrupt it, propose a stipulation which should preclude the subjects or citizens of each nation, respectively, from trading with the Indians residing in the territory of the other. But to surrender both the rights of sovereignty and of soil over nearly one-third of the territorial dominions of the United States to a number of Indians, not probably exceeding twenty thousand, the undersigned are so far from being instructed or authorized that they assure the British Plenipotentiaries that any arrangement for that purpose would be instantaneously rejected by their Government.

Not only has this extraordinary demand been made a *sine qua non*, to be admitted without discussion, and as a preliminary basis, but it is accompanied by others equally inadmissible, which the British Plenipotentiaries state to be so connected with it that they may reasonably influence the decision of the undersigned upon it, yet leaving them uninformed how far those other demands may also be insisted on as indispensable conditions of a peace.

As little are the undersigned instructed or empowered to accede to the propositions of the British Government in relation to the military occupation of the western lakes. If they have found the proposed interference of Great Britain in the concerns of the Indians residing within the United States utterly incompatible with any established maxim of public law, they are no less at a loss to discover by what rule of perfect reciprocity the United States can be required to renounce their equal right of maintaining a naval force upon those lakes, and of fortifying their own shores, while Great Britain reserves exclusively the corresponding rights to herself. That, in point of military preparation, Great Britain, in her possessions in North America, ever has been in a condition to be termed with propriety the weaker Power in comparison with the United States, the undersigned believe to be incor-

Relations with Great Britain.

rect in point of fact. In regard to the fortification of the shores, and to the forces actually kept on foot upon those frontiers, they believe the superiority to have always been on the side of Great Britain. If the proposal to dismantle the forts upon her shores, strike forever her military flag upon the Lakes, and lay her whole frontier defenceless in the presence of her armed and fortified neighbor, had proceeded not from Great Britain to the United States, but from the United States to Great Britain, the undersigned may safely appeal to the bosoms of His Britannic Majesty's Plenipotentiaries for the feelings with which, not only in regard to the interests but to the honor of their nation, they would have received such a proposal. What would Great Britain herself say, if, in relation to another frontier, where she has the acknowledged superiority of strength, it were proposed that she should be reduced to a condition even of equality with the United States?

The undersigned further perceive that, under the alleged purpose of opening a direct communication between two of the British provinces in America, the British Government require a cession of territory, forming a part of one of the States of the American Union; and that they propose, without purpose specifically alleged, to draw the boundary line westward, not from the Lake of the Woods, as it now is, but from Lake Superior. It must be perfectly immaterial to the United States whether the object of the British Government in demanding the dismemberment of the United States, is to acquire territory as such, or for purposes less liable in the eyes of the world to be ascribed to the desire of aggrandizement. Whatever the motive may be, and with whatever consistency views of conquest may be disclaimed, while demanding for herself or for the Indians a cession of territory more extensive than the whole island of Great Britain, the duty marked out for the undersigned is the same. They have no authority to cede any part of the territory of the United States, and to no stipulation to that effect will they subscribe.

The conditions proposed by Great Britain have no relation to the subsisting differences between the two countries; they are inconsistent with acknowledged principles of public law; they are founded neither on reciprocity, nor on any of the usual bases of negotiation, neither on that of *visi possidetis* nor of *status ante bellum*. They would inflict the most vital injury on the United States, by dismembering their territory, by arresting their natural growth and increase of population, and by leaving their Northern and Western frontier equally exposed to British invasion and to Indian aggression; they are, above all, dishonorable to the United States, in demanding from them to abandon territory and a portion of their citizens; to admit a foreign interference in their domestic concerns, and to cease to exercise their natural rights on their own shores and in their own waters. A treaty concluded on such terms would be but an armistice. It cannot be supposed that America would long submit to conditions so

injurious and degrading. It is impossible, in the natural course of events, that she should not, at the first favorable opportunity, recur to arms for the recovery of her territory, of her rights, of her honor. Instead of settling existing differences, such a peace would only create new causes of war, sow the seeds of a permanent hatred, and lay the foundation of hostilities for an indefinite period.

Essentially pacific, from her political institutions, from the habits of her citizens, from her physical situation, America reluctantly engaged in the war. She wishes for peace, but she wishes for it upon those terms of reciprocity honorable to both countries, which can alone render it permanent. The causes of the war between the United States and Great Britain having disappeared, by the maritime pacifications of Europe, the Government of the United States does not desire to continue it in defence of abstract principles, which have, for the present, ceased to have any practical effect. The undersigned have been accordingly instructed to agree to its termination, both parties restoring whatever territory they may have taken, and both reserving all their rights, in relation to their respective seamen. To make the peace between the two nations solid and permanent, the undersigned were also instructed, and have been prepared to enter into the most amicable discussion of all those points, on which differences or uncertainty had existed, and which might hereafter tend, in any degree whatever, to interrupt the harmony of the two countries, without, however, making the conclusion of the peace at all depend upon a successful result of the discussion.

It is, therefore, with deep regret, that the undersigned have seen that other views are entertained by the British Government, and that new and unexpected pretensions are raised, which, if persisted in, must oppose an insuperable obstacle to a pacification. It is not necessary to refer such demands to the American Government for its instruction. They will only be a fit subject of deliberation when it becomes necessary to decide upon the expediency of an absolute surrender of national independence.

The undersigned request the British Plenipotentiaries to accept the assurance of their high consideration.

JOHN QUINCY ADAMS,
JAMES A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

To the PLENIPOTENTIARIES
of His Britannic Majesty, &c.

From the British to the American Ministers.

Ghent, September 4, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the American Plenipotentiaries, dated the 24th ultimo.

It is with unfeigned regret that the undersigned observe, both in the tone and substance of the

Relations with Great Britain.

whole note, so little proof of any disposition on the part of the Government of the United States to enter into an amicable discussion of the several points submitted by the undersigned in their former communication. The undersigned are perfectly aware that, in bringing forward those points for consideration, and stating with so much frankness as they did, the views with which they were proposed, they departed from the usual course of negotiations, by disclosing all the objects of their Government while those which the American Government had in view were withheld; but in so doing they were principally actuated by a sincere desire of bringing the negotiation as soon as possible to a favorable termination, and in some measure, by their willingness to comply with the wishes expressed by the American Plenipotentiaries themselves.

It is perfectly true that the war between His Majesty and the United States was declared by the latter Power, upon the pretence of maritime rights, alleged to be asserted by Great Britain, and disputed by the United States.

If the war thus declared by the United States had been carried on by them for objects purely of a maritime nature, or if the attack which has been made on Canada had been made for the purpose of diversion, or in the way of defence against the British forces in that quarter, any question as to the boundaries of Canada might have been considered as unnecessary; but it is notorious to the whole world that the conquest of Canada, and its permanent annexation to the United States, was the declared object of the American Government. If, in consequence of a different course of events on the continent of Europe His Majesty's Government had been unable to reinforce the British armies in Canada, and the United States had obtained a decided superiority in that quarter, is there any person who doubts that they would have availed themselves of their situation to obtain on the side of Canada important cessions of territory, if not the entire abandonment of the country by Great Britain? Is the American Government to be allowed to pursue, so far as its means will enable it, a system of acquisition and aggrandizement to the extent of annexing entire provinces to their dominions, and is His Majesty to be precluded from availing himself of his means, so far as they will enable him, to retain those points which the valor of British arms may have placed in his power, because they happen to be situated within the territories allotted under former treaties to the Government of the United States?

Such a principle of negotiation was never avowed at any period antecedent to that of the revolutionary Government of France.

If the policy of the United States had been essentially pacific, as the American Plenipotentiaries assert it ought to be, from their political institutions, from the habits of their citizens, and from their physical situation, it might not have been necessary to propose the precautionary provisions now under discussion. That, of late years at least, the American Government have been

influenced by a very different policy, by a spirit of aggrandizement not necessary to their own security, but increasing with the extent of their empire, has been too clearly manifested by their progressive occupation of the Indian territories, by the acquisition of Louisiana, by the more recent attempt to wrest by force of arms from a nation in amity the two Floridas, and, lastly, by the avowed intention of permanently annexing the Canadas to the United States.

If, then, the security of the British North American dominions requires any sacrifices on the part of the United States, they must be ascribed to the declared policy of that Government in making the war not one of self-defence, nor for the redress of grievances, real or pretended, but a part of a system of conquest and aggrandizement.

The British Government, in its present situation, is bound in duty to endeavor to secure its North American dominions against those attempts at conquest which the American Government have avowed to be a principle of their policy, and which, as such, will undoubtedly be renewed whenever any succeeding war between the two countries shall afford a prospect of renewing them with success.

The British Plenipotentiaries proposed that the military possession of the lakes from Lake Ontario to Lake Superior should be secured to Great Britain, because the command of those lakes would afford to the American Government the means of commencing a war in the heart of Canada, and because the command of them, on the part of Great Britain, has been shown, by experience, to be attended with no insecurity to the United States.

When the relative strength of the two Powers in North America is considered, it should be recollected that the British dominions in that quarter do not contain a population of five hundred thousand souls, whereas the territory of the United States contains a population of more than seven millions; that the naval resources of the United States are at hand for attack, and the naval resources of Great Britain are on the other side of the Atlantic.

The military possession of those lakes is not, therefore, necessary for the protection of the United States.

The proposal for allowing the territories on the southern banks of the lakes above mentioned to remain in the possession of the Government of the United States, provided no fortifications should be erected on the shores, and no armament permitted on the waters, has been made for the purpose of manifesting that security, and not acquisition of territory, is the object of the British Government, and that they have no desire to throw obstacles in the way of any commerce which the people of the United States may be desirous of carrying on upon the Lakes, in time of peace.

The undersigned, with the anxious wish to rectify all misunderstanding, have thus more fully explained the grounds upon which they brought forward the propositions contained in their former

Relations with Great Britain.

note, respecting the boundaries of the British dominions in North America.

They do not wish to insist upon them beyond what the circumstances may fairly require. They are ready amicably to discuss the details of them, with a view to the adoption of any modifications which the American Plenipotentiaries, or their Government, may have to suggest, if they are not incompatible with the object itself.

With respect to the boundary of the District of Maine, and that of the Northwestern frontier of the United States, the undersigned were not prepared to anticipate the objections contained in the note of the American Plenipotentiaries, "that they were instructed to treat for the revision of their boundary lines," with the statement which they have subsequently made, that they had no authority to cede any part, however insignificant, of the territory of the United States; although the proposal left it open to them to demand an equivalent for such cession, either in frontier or otherwise.

The American Plenipotentiaries must be aware that the boundary of the District of Maine has never been correctly ascertained; that the one asserted at present by the American Government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British Plenipotentiaries who concluded the treaty of 1783; and that the greater part of the territory in question is actually unoccupied.

The undersigned are persuaded that an arrangement on this point might be easily made, if entered into with the spirit of conciliation, without any prejudice to the interests of the district in question.

As the necessity for fixing some boundary for the Northwestern frontier has been mutually acknowledged, a proposal for a discussion on that subject cannot be considered as a demand for a cession of territory, unless the United States are prepared to assert that there is no limit to their territory in that direction, and, that availing themselves of the geographical error upon which that part of the treaty of 1783 was formed, they will acknowledge no boundary whatever; then, unquestionably, any proposition to fix one, be it what it may, must be considered as demanding a large cession of territory from the United States.

Is the American Government prepared to assert such an unlimited right, so contrary to the evident intention of the treaty itself? Or, is His Majesty's Government to understand that the American Plenipotentiaries are willing to acknowledge the boundary from the Lake of the Woods to the Mississippi, (the arrangement made by a convention in 1803, but not ratified,) as that by which their Government is ready to abide?

The British Plenipotentiaries are instructed to accept favorably such a proposition, or to discuss any other line of boundary which may be submitted for consideration.

It is with equal astonishment and regret the undersigned find that the American Plenipotentiaries have not only declined signing any pro-

visional article by which the Indian nations who have taken part with Great Britain in the present contest may be included in the peace, and may have a boundary assigned to them, but have also thought proper to express surprise at any proposition on the subject having been advanced.

The American Plenipotentiaries state that their Government could not have expected such a discussion, and appear resolved at once to reject any proposition on this head, representing it as a demand contrary to the acknowledged principles of public law, tantamount to a cession of one-third of the territorial dominions of the United States, and required to be admitted without discussion.

The proposition which is thus represented is, that the Indian nations which have been, during the war, in alliance with Great Britain, should, at its termination, be included in the pacification, and with a view to their permanent tranquillity and security, that the British Government is willing to take as a basis of an article on the subject of a boundary for those nations, the stipulations which the American Government contracted in 1795, subject, however, to modifications.

After the declaration publicly made to these Indian nations by the Governor General of Canada, that Great Britain would not desert them, could the American Government really persuade itself that no proposition relating to those nations would be advanced; and did Lord Castlereagh's note of the 4th of November, 1813, imply so great a sacrifice of honor, or exclude from discussion every subject excepting what immediately related to the maritime questions referred to in it?

When the undersigned assured the American Plenipotentiaries of the anxious wish of the British Government that the negotiation might terminate in a peace honorable to both parties, it could not have been imagined that the American Plenipotentiaries would thence conclude that His Majesty's Government was prepared to abandon the Indian nations to their fate; nor could it have been foreseen that the American Government would have considered it as derogatory to its honor to admit a proposition by which the tranquillity of those nations might be secured.

The British Plenipotentiaries have yet to learn that it is contrary to the acknowledged principles of public law to include allies in a negotiation for peace, or that it is contrary to the practice of all civilized nations to propose that a provision should be made for their future security.

The Treaty of Greenville established the boundaries between the United States and the Indian nations. The American Plenipotentiaries must be aware that the war, which has since broken out, has abrogated that treaty. Is it contrary to the established principles of public law for the British Government to propose, on behalf of its allies, that this treaty shall, on the pacification, be considered subject to such modifications as the case may render necessary? Or is it unreasonable to propose that this stipulation should be amended; and that, on that foundation, some arrangement should be made which would provide for the existence of a neutral Power between

Relations with Great Britain.

Great Britain and the United States, calculated to secure to both a longer continuance of the blessings of peace?

So far was that specific proposition respecting the Indian boundaries from being insisted upon in the note, or in the conference which preceded it, as one to be admitted without discussion, that it would have been difficult to use terms of greater latitude, or which appeared more adapted not only not to preclude but to invite discussion.

If the basis proposed could convey away one-third of the territory of the United States, the American Government itself must have conveyed it away by the Greenville Treaty of 1795.

It is impossible to read that treaty without remarking how inconsistent the present pretensions of the American Government are with its preamble and provisions. The boundary lines between the lands of the United States and that of the Indian nations are therein expressly defined. The general character of the treaty is that of a treaty with independent nations; and the very stipulation which the American Plenipotentiaries refer to, that the Indian nations should sell their lands only to the United States, tends to prove that, but for that stipulation, the Indians had a general right to dispose of them. The American Government has now, for the first time, in effect declared that all Indian nations within its line of demarcation are its subjects, living there upon sufferance on lands which it also claims the exclusive right of acquiring, thereby menacing the final extinction of those nations.

Against such a system the undersigned must formally protest. The undersigned repeat, that the terms on which the proposition has been made for assigning to the Indian nations some boundary, manifest no unwillingness to discuss any other proposition directed to the same object, or even a modification of that which is offered. Great Britain is ready to enter into the same engagements with respect to the Indians living within her line of demarcation, as that which is proposed to the United States. It can, therefore, only be from a complete misapprehension of the proposition that it can be represented as being not reciprocal. Neither can it, with any truth, be represented as contrary to the acknowledged principles of public law, as derogatory to the honor, or inconsistent with the rights of the American Government, nor as a demand required to be admitted without discussion.

After this full exposition of the sentiments of His Majesty's Government on the points above stated, it will be for the American Plenipotentiaries to determine whether they are ready now to continue the negotiations, whether they are disposed to refer to their Government for further instructions, or, lastly, whether they will take upon themselves the responsibility of breaking off the negotiation altogether.

The undersigned request the American Plenipotentiaries to accept the assurance of their high consideration.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

From the American to the British Ministers.

Ghent, September 9, 1814.

The undersigned have had the honor to receive the note of His Britannic Majesty's Plenipotentiaries, dated the 4th instant. If, in the tone or substance of the former note of the undersigned, the British Commissioners have perceived little proof of any disposition, on the part of the American Government, for a discussion of some of the propositions advanced in the first note, which the undersigned had the honor of receiving from them, they will ascribe it to the nature of the propositions themselves; to their apparent incompatibility with the assurances in Lord Castlereagh's letter to the American Secretary of State, proposing this negotiation, and with the solemn assurances of the British Plenipotentiaries themselves, to the undersigned, at their first conferences with them.

The undersigned, in reference to an observation of the British Plenipotentiaries, must be allowed to say that the objects which the Government of the United States had in view have not been withheld.

The subjects considered as suitable for discussion were fairly brought forward in the conference of the 9th ultimo, and the terms on which the United States were willing to conclude the peace were frankly and expressly declared in the note of the undersigned dated the 24th ultimo. It had been confidently hoped that the nature of those terms, so evidently framed in a sincere spirit of conciliation, would have induced Great Britain to adopt them as the basis of a treaty; and it is with deep regret that the undersigned, if they have rightly understood the meaning of the last note of the British Plenipotentiaries, perceive that they still insist on the exclusive military possession of the Lakes, and on a permanent boundary and independent territory for the Indians residing within the dominions of the United States.

The first demand is grounded on the supposition that the American Government has manifested, by its proceedings towards Spain, by the acquisition of Louisiana, by purchases of Indian lands, and by an avowed intention of permanently annexing the Canadas to the United States, a spirit of aggrandizement and conquest which justifies the demand of extraordinary sacrifices from them to provide for the security of the British possessions in America.

In the observations which the undersigned felt it their duty to make on the new demands of the British Government, they confined their animadversions to the nature of the demands themselves; they did not seek for illustrations of the policy of Great Britain in her conduct, in various quarters of the globe, towards other nations, for she was not accountable to the United States. Yet, the undersigned will say that their Government has ever been ready to arrange, in the most amicable manner with Spain, the questions respecting the boundaries of Louisiana and Florida, and that of indemnities acknowledged by Spain due to American citizens. How the peaceable acquisition of

Relations with Great Britain.

Louisiana, or the purchase of lands within the acknowledged territories of the United States, both made by fair and voluntary treaties for satisfactory equivalents, can be ascribed to a spirit of conquest dangerous to their neighbors, the undersigned are altogether at a loss to understand.

Nor has the conquest of Canada, and its permanent annexation to the United States, been the declared object of their Government. From the commencement of the war to the present time the American Government has been always willing to make peace, without obtaining any cession of territory, and on the sole condition that the maritime questions might be satisfactorily arranged. Such was their disposition in the month of July, 1812, when they instructed Mr. Russell to make the proposal of an armistice; in the month of October of the same year, when Mr. Monroe answered Admiral Warren's proposal to the same effect; in April, 1813, when instructions were given to three of the undersigned, then appointed to treat of peace, under the mediation of Russia; and in January, 1814, when the instructions, under which the undersigned are now acting, were prepared.

The proposition of the British Plenipotentiaries is, that, in order to secure the frontier of Canada against attack, the United States should leave their own without defence; and it seems to be forgotten, that if their superior population and the proximity of their resources give them any advantage in that quarter, it is balanced by the great difference between the Military Establishments of the two nations. No sudden invasion of Canada by the United States could be made, without leaving on their Atlantic shores and on the ocean, exposed to the great superiority of British force, a mass of American property more valuable than Canada. In her relative superior force to that of the United States, in every other quarter, Great Britain may find a pledge much more efficacious for the safety of a single vulnerable point than in stipulations ruinous to the interests and degrading to the honor of America. The best security for the possessions of both countries will, however, be found in an equal and solid peace, in a mutual respect for the rights of each other, and in the cultivation of a friendly understanding between them. If there be any source of jealousy in relation to Canada itself, it will be found to exist solely in the undue interference of traders and agents, which may be easily removed by proper restraints.

The only American forts on the Lakes known to have been, at the commencement of the negotiation, held by British force, are Michilimackinac and Niagara. As the United States were at the same time in possession of Amherstburg and the adjacent country, it is not perceived that the mere occupation of these two forts could give any claim to His Britannic Majesty to large concessions of territory, founded upon the right of conquest; and the undersigned may be permitted to add, that, even if the chances of war should yield to the British arms a momentary possession of other parts of the territories of the United States,

such events would not alter their views with regard to the terms of peace to which they would give their consent. Without recurring to examples drawn from the revolutionary Governments of France, or to a more recent and illustrious triumph of fortitude in adversity, they have been taught by their own history that the occupation of their principal cities should produce no dependency, nor induce their submission to the dismemberment of their empire, or to the abandonment of any one of the rights which constitute a part of their national independence.

The general position that it was consistent with the principles of public law, and with the practice of civilized nations, to include allies in a treaty of peace, and to provide for their security, never was called in question by the undersigned. But they have denied the right of Great Britain, according to those principles and to her own practice, to interfere in any manner with Indian tribes residing within the territories of the United States, as acknowledged by herself, to consider such tribes as her allies, or to treat for them with the United States. They will not repeat the facts and arguments already brought forward by them in support of this position, and which remain unanswered. The observations made by the British Plenipotentiaries on the Treaty of Greenville, and their assertion that the United States now, for the first time, deny the absolute independence of the Indian tribes, and claim the exclusive right of purchasing their lands, require however some notice.

If the United States had now asserted that the Indians within their boundaries, who have acknowledged the United States as their only protectors, were their subjects, living only at sufferance on their lands, far from being the first in making that assertion, they would only have followed the example of the principles uniformly and invariably asserted in substance, and frequently avowed in express terms, by the British Government itself. What was the meaning of all the colonial charters granted by the British monarchs, from that of Virginia, by Elizabeth, to that of Georgia, by the immediate predecessor of the present King, if the Indians were the sovereigns and proprietors of the lands bestowed by those charters? What was the meaning of that article in the Treaty of Utrecht, by which the Five Nations were described in terms as subject to the dominion of Great Britain? Or that of the treaty with the Cherokees, by which it was declared that the King of Great Britain granted them the privilege to live where they pleased, if those subjects were independent sovereigns, and if these tenants, at the license of the British King, were the rightful lords of the land where he granted them permission to live? What was the meaning of that proclamation of his present Britannic Majesty, issued in 1763, declaring all purchases of lands from the Indians null and void, unless made by treaties held under the sanction of His Majesty's Government, if the Indians had the right to sell their lands to whom they pleased? What was the meaning of boundary lines of

Relations with Great Britain.

American territories, in all the treaties of Great Britain with other European Powers having American possessions, particularly in the treaty of 1763, by which she acquired from France the sovereignty and possession of the Canadas; in her Treaty of Peace with the United States of 1783; nay, what is the meaning of the Northwestern boundary line now proposed by the British Commissioners themselves, if it is the rightful possession and sovereignty of independent Indians of which these boundaries dispose? Is it, indeed, necessary to ask whether Great Britain ever has permitted, or would permit, any foreign nation, or, without her consent, any of her subjects, to acquire lands from the Indians, in the territories of the Hudson's Bay Company, or in Canada? In formally protesting against this system, it is not against a novel pretension of the American Government, it is against the most solemn acts of their own Sovereigns, against the royal proclamations, charters, and treaties of Great Britain for more than two centuries, from the first settlement of North America to the present day, that the British Plenipotentiaries protest.

From the rigor of this system, however, as practised by Great Britain and all the other European Powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the law of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and the founder of Pennsylvania, in having purchased of the Indians the lands they resolved to cultivate, notwithstanding their being furnished with a charter from their Sovereign. It is this example which the United States, since they became by their independence the sovereigns of the territory, have adopted and organized into a political system. Under that system the Indians residing within the United States are so far independent that they live under their own customs, and not under the laws of the United States; that their rights upon the lands where they inhabit or hunt, are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them. They are so far dependent as not to have the right to dispose of their lands to any private persons, nor to any Power other than the United States, and to be under their protection alone, and not under that of any other Power. Whether called subjects, or by whatever name designated, such is the relation between them and the United States. That relation is neither asserted now for the first time, nor did it originate with the Treaty of Greenville. These principles have been uniformly recognised by the Indians themselves, not only by that treaty, but in all the other previous as well

as subsequent treaties between them and the United States.

The Treaty of Greenville neither took from the Indians the right, which they had not, of selling lands within the jurisdiction of the United States to foreign Governments or subjects, nor ceded to them the right of exercising exclusive jurisdiction within the boundary line assigned. It was merely declaratory of the public law, in relation to the parties, founded on principles previously and universally recognised. If left to the United States, the rights of exercising sovereignty and of acquiring soil bears no analogy to the proposition of Great Britain, which requires the abandonment of both.

The British Plenipotentiaries state, in their last note, that Great Britain is ready to enter into the same engagements, with respect to the Indians living within her line of demarcation, as that which is proposed to the United States. The undersigned will not dwell on the immense inequality of value between the two territories, which, under such an arrangement, would be assigned by each nation respectively to the Indians, and which alone would make the reciprocity merely nominal. The condition which would be thus imposed on Great Britain, not to acquire lands in Canada from the Indians, would be productive of no advantage to the United States, and is, therefore, no equivalent for the sacrifice required of them. They do not consider that it belongs to the United States in any respect to interfere with the concerns of Great Britain in her American possessions, or with her towards the Indians residing there; and they cannot consent to any interference on the part of Great Britain with their own concerns, and particularly with the Indians living within their territories. It may be the interest of Great Britain to limit her settlements in Canada to their present extent, and to leave the country to the West a perpetual wilderness, to be forever inhabited by scattered tribes of hunters; but it would inflict a vital injury on the United States to have a line run through their territory, beyond which their settlements should forever be precluded from extending; thereby arresting the natural growth of their population and strength; placing the Indians substantially, by virtue of the proposed guarantee, under the protection of Great Britain; dooming them to perpetual barbarism; and leaving an extensive frontier forever exposed to their savage incursions.

With respect to the mere question of peace with the Indians, the undersigned have already explicitly assured the British Plenipotentiaries that, so far as it depended on the United States, it would immediately and necessarily follow a peace with Great Britain. If this be her sole object, no provision in the treaty to that effect is necessary. Provided the Indians will now consent to it, peace will immediately be made with them, and they will be reinstated in the same situation in which they stood before the commencement of hostilities. Should a continuance of the war compel the United States to alter their policy towards the Indians who may still take the

Relations with Great Britain.

part of Great Britain, they alone must be responsible for the consequences of her own act, in having induced them to withdraw themselves from the protection of the United States. The employment of savages, whose known rule of warfare is the indiscriminate torture and butchery of women, children, and prisoners, is itself a departure from the principles of humanity observed between all civilized and Christian nations, even in war. The United States have constantly protested, and still protest, against it, as an unjustifiable aggravation of the calamities and horrors of war. Of the peculiar atrocities of Indian warfare, the allies of Great Britain, in whose behalf she now demands sacrifices of the United States, have during the present war shown many deplorable examples. Among them, the massacre in cold blood of wounded prisoners, and the refusal of the rites of burial to the dead, under the eyes of British officers, who could only plead their inability to control these savage auxiliaries, have been repeated, and are notorious to the world. The United States might at all times have employed the same kind of force against Great Britain, and to a greater extent than it was in her power to employ it against them; but, from their reluctance to resort to means so abhorrent to the natural feelings of humanity, they abstained from the use of them until compelled to the alternative of employing themselves Indians, who would otherwise have been drawn into the ranks of their enemies. The undersigned, suggesting to the British Plenipotentiaries the propriety of an article by which Great Britain and the United States should reciprocally stipulate never hereafter, if they should be again at war, to employ savages in it, believe that it would be infinitely more honorable to the humanity and Christian temper of both parties, more advantageous to the Indians themselves, and better adapted to secure their permanent peace, tranquillity, and progressive civilization, than the boundary proposed by the British Plenipotentiaries.

With regard to the cession of a part of the District of Maine, as to which the British Plenipotentiaries are unable to reconcile the objections made by the undersigned with their previous declaration, they have the honor to observe, that, at the conference of the 8th ultimo, the British Plenipotentiaries stated, as one of the subjects suitable for discussion, a revision of the boundary line between the British and American territories, with a view to prevent uncertainty and dispute; and that it was on the point thus stated that the undersigned declared that they were provided with instructions from their Government; a declaration which did not imply that they were instructed to make any cession of territory in any quarter, or to agree to a revision of the line, or to any exchange of territory, where no uncertainty or dispute existed.

The undersigned perceive no uncertainty or matter of doubt in the treaty of 1783, with respect to that part of the boundary of the District of Maine which would be affected by the proposal of Great Britain on that subject. They

never have understood that the British Plenipotentiaries who signed that treaty had contemplated a boundary different from that fixed by the treaty, and which requires nothing more, in order to be definitely ascertained, than to be surveyed in conformity with its provisions. This subject not having been a matter of uncertainty or dispute, the undersigned are not instructed upon it; and have no authority to cede any part of the State of Massachusetts even for what the British Government might consider a fair equivalent.

In regard to the boundary of the northwestern frontier, so soon as the proposition of Indian boundary is disposed of, the undersigned have no objection, with the explanation given by the British Plenipotentiaries in their last note, to discuss the subject.

The undersigned, in their former note, stated with frankness, and will now repeat, that the two propositions—first, of assigning in the proposed treaty of peace a definite boundary to the Indians living within the limits of the United States, beyond which boundary they should stipulate not to acquire, by purchase or otherwise, any territory; secondly, of securing the exclusive military possession of the lakes of Great Britain—are both inadmissible; and that they cannot subscribe to, and would deem it useless to refer to their Government, any arrangement, even provisional, containing either of those propositions. With this understanding, the undersigned are now ready to continue the negotiations, and, as they have already expressed, to discuss all the points of difference, or which might hereafter tend in any degree to interrupt the harmony of the two countries.

The undersigned request the British Plenipotentiaries to accept the assurance of their high consideration.

JOHN QUINCY ADAMS,
J. A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL,
A. GALLATIN.

From the British to the American Ministers.

Ghent, Sept. 19, 1814.

The undersigned have the honor to acknowledge the receipt of the note addressed to them by the American Plenipotentiaries on the 9th instant.

On the greater part of that note the undersigned have no intention to make comments, having proposed to themselves throughout the negotiation to avoid all unnecessary discussions, more especially when tending to create irritation.

On the question of the Northwestern frontiers, they are happy to find that no material difficulty is likely to arise.

With respect to the boundary of the District of Maine, the undersigned observe, with regret, that, although the American Plenipotentiaries have acknowledged themselves to be instructed to discuss a revision of the boundary line with a view to prevent uncertainty and disputes, yet, by assuming an exclusive right at once to decide what

Relations with Great Britain.

is, or is not, a subject of uncertainty and dispute, they have rendered their powers nugatory, or inadmissibly partial in their operation.

After the declaration made by the American Plenipotentiaries that the United States will admit of no line of boundary between their territory and that of the Indian nations, because the natural growth and population of the United States would be thereby arrested, it becomes necessary further to insist on the proof of a spirit of aggrandizement afforded by the purchase of Louisiana from France, against the known conditions on which it had been ceded by Spain to that country, or the hostile seizure of a great part of the Floridas under the pretence of a dispute respecting the boundary.

The reason given by the American Plenipotentiaries for this declaration equally applies to the assignment of a boundary to the United States on any side, with whatever view proposed; and the unlimited nature of the pretension would alone have justified Great Britain in seeking more effectual securities against its application to Canada, than any which the undersigned have had the honor to propose.

Had the American Plenipotentiaries been instructed on the subject of Canada, they would not have asserted that its permanent annexation had not been the declared object of their Government. It has been distinctly avowed to be such at different times, particularly by two American Generals, on their respective invasions of Canada. If the declaration first made had been disapproved, it would not have been repeated. The declarations here referred to are to be found in the proclamation of General Hull in July, 1812, and of General Smith in November, 1812, copies of which are hereunto annexed.

It must be also from the want of instructions that the American Plenipotentiaries have been led to assert that Great Britain has induced the Indians to withdraw from the protection of the United States. The Government of the United States cannot have forgotten that Great Britain, so far from inducing the Indians to withdraw themselves from the protection of the United States, gave the earliest information of the intention of those nations to invade the United States, and exerted herself, though without success, to prevent and appease their hostility. The Indian nations, however, having experienced, as they thought, oppression, instead of protection, from the United States, declared war against them previously to the declaration of war by that country against Great Britain. The treaty by which the Indians placed themselves under the protection of the United States is now abrogated, and the American Government cannot now be entitled to claim as a right the renewal of an article in a treaty which has no longer any existence. The Indian nations are, therefore, no longer to be considered as under the protection of the United States—whatever may be the import of that term—and it can only be on the ground that they are regarded as subjects, that the American Plenipotentiaries can be authorized to deny the right of

Great Britain to interfere on their behalf in the negotiation for peace. To any such claim, it is repeated, that the treaties concluded with them, and particularly that of Greenville, are in direct opposition.

It is not necessary to recur to the manner in which the territory of the United States was at first settled, in order to decide whether the Indian nations, the original inhabitants of America, shall have some spot assigned to them, where they may be permitted to live in tranquillity; nor whether their tranquillity can be secured without preventing an uninterrupted system of encroachment upon them under the pretence of purchases.

If the American Plenipotentiaries are authorized peremptorily to deny the right of the British Government to interfere with the pacification of the Indian nations, and for that reason refuse all negotiation on the subject, the undersigned are at a loss to understand upon what principle it was that, at the conference of the 9th ultimo, the American Plenipotentiaries invited discussion on the subject, and added, that it was not possible for them to decide, without discussion, whether an article could be framed which should be mutually satisfactory, and to which they should think themselves, under their discretionary powers, warranted in acceding.

The undersigned must further observe that, if the American Government has not furnished their Plenipotentiaries with any instructions since January last, when the general pacification of Europe could have been immediately in contemplation, this subsequent silence, after an event so calculated (even in the view which the American Plenipotentiaries have taken of it, in their note of the 24th ultimo,) to influence the negotiation, is, to say the least, no proof of a sincere desire to bring it to a favorable conclusion. The British Government has entered into the negotiation with an anxious wish to effect an amicable arrangement. After convulsions, unexampled in their nature, extent, and duration, the civilized world has need of repose. To obtain this in Europe, Great Britain has made considerable sacrifices. To complete the work of general pacification, it is her earnest wish to establish a peace with the United States, and, in her endeavors to accomplish this object, to manifest the same principles of moderation and forbearance; but it is utterly inconsistent with her practice and her principles ever to abandon, in her negotiation for peace, those who have co-operated with her in war.

The undersigned, therefore, repeat that the British Government is willing to sign a Treaty of Peace with the United States on terms honorable to both parties. It has not offered any terms which the United States can justly represent as derogatory to their honor, nor can it be induced to accede to any which are injurious to its own. It is on this ground that the undersigned are authorized distinctly to declare that they are instructed not to sign a Treaty of Peace with the Plenipotentiaries of the United States, unless the Indian nations are included in it, and restored to

Relations with Great Britain.

all the rights, privileges, and territories which they enjoyed in the year 1811, previous to the commencement of the war, by virtue of the Treaty of Greenville, and the treaties subsequently concluded between them and the United States. From this point the British Plenipotentiaries cannot depart.

They are further instructed to offer for discussion an article by which the contracting parties shall reciprocally bind themselves, according to boundaries to be agreed upon, not to purchase the lands occupied by the Indians within their respective lines of demarcation. By making this engagement subject to revision at the expiration of the given period, it is hoped that the objection to the establishment of a boundary, beyond which the settlements of the United States should be forever excluded, may be effectually obviated.

The undersigned have never stated that the exclusive military possession of the lakes, however conducive they are satisfied it would be to a good understanding between the two countries, without endangering the security of the United States, was to be considered as a *sine qua non* in the negotiation. Whenever the question relative to the pacification of the Indian nations (which, subject to the explanations already given, is a *sine qua non*,) shall be adjusted, the undersigned will be authorized to make a final proposition on the subject of Canadian boundaries, so entirely founded on principles of moderation and justice, that they feel confident it cannot be rejected. This proposition will be distinctly stated by the undersigned, upon receiving an assurance from the American Plenipotentiaries that they consider themselves authorized to conclude a provisional article on the subject, and upon their previously consenting to include the Indian nations in the treaty, in the manner above described.

The undersigned avail themselves of this opportunity of renewing to the American Plenipotentiaries the assurance of their high consideration.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

From the American to the British Ministers.

GHEENT, September 26, 1814.

In replying to the note which the undersigned have had the honor of receiving from His Britannic Majesty's Plenipotentiaries, dated on the 19th instant, they are happy to concur with them in the sentiment of avoiding unnecessary discussions, especially such as may have a tendency to create irritation. They had hoped that, in the same spirit, the British Plenipotentiaries would not have thought allusions again necessary to transactions foreign to this negotiation, relating to the United States and other independent nations, and not suitable for discussion between the United States and Great Britain. The observation made with respect to Louisiana is the more extraordinary, as the cession of that province to the United States was, at the time, communicated to the British Government, who expressed their

entire satisfaction with it, and as it has subsequently received the solemn sanction of Spain herself.

The undersigned will further say, that, whenever the transactions of the United States in relation to the boundaries of Louisiana and Florida shall be a proper subject of discussion, they will be found not only susceptible of complete justification, but will demonstrate the moderation and forbearance of the American Government, and their undeviating respect for the rights of their neighbors.

The undersigned are far from assuming the exclusive right to decide what is, or is not, a subject of uncertainty and dispute with regard to the boundary of the District of Maine. But until the British Plenipotentiaries shall have shown in what respect the part of that boundary which would be affected by their proposal is such a subject, the undersigned may be permitted to assert that it is not.

The treaty of 1783 described the boundary as a line to be drawn along the middle of the river St. Croix, from its mouth, in the bay of Fundy, to its source, and from its source directly north to the Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; and thence, along the said Highlands, to the northwesternmost head of Connecticut river.

Doubts having arisen as to the St. Croix, designated in the treaty of 1783, a provision was made by that of 1794 for ascertaining it; and it may be fairly inferred, from the limitation of the article to that sole object, that, even in the judgment of Great Britain, no other subject of controversy existed in relation to the extension of the boundary line from the source of that river. That river and its source having been accordingly ascertained, the undersigned are prepared to propose the appointment of Commissioners by the two Governments to extend the line to the Highlands, conformably to the treaty of 1783. The proposal, however, of the British Plenipotentiaries was not to ascertain, but to vary, those lines, in such manner as to secure a direct communication between Quebec and Halifax; an alteration which could not be effected without a cession by the United States to Great Britain of all that portion of the State of Massachusetts intervening between the provinces of New Brunswick and Quebec, although unquestionably included within the boundary lines fixed by that treaty. Whether it was contemplated on the part of Great Britain to obtain the cession, with or without an equivalent, in frontier or otherwise, the undersigned, in stating that they were not instructed or authorized to treat on the subject of cession, have not declined to discuss any matter of uncertainty or dispute which the British Plenipotentiaries may point out to exist respecting the boundaries in that or in any other quarter, and are, therefore, not liable to the imputation of having rendered their powers on the subject nugatory or inadmissibly partial in their operation.

Relations with Great Britain.

The British Plenipotentiaries consider the undersigned as having declared "that the United States will admit of no line of boundary between their territory and that of the Indian nations, because the natural growth and population of the United States would be thereby arrested." The undersigned, on the contrary, expressly stated in their last note, "that the lands inhabited by the Indians were secured to them by boundaries defined in amicable treaties between them and the United States;" but they did refuse to assign, in a treaty of peace with Great Britain, a definitive and permanent boundary to the Indians living within the limits of the United States. On this subject the undersigned have no hesitation in avowing that the United States, while intending never to acquire lands from the Indians otherwise than peaceably, and with their free consent, are fully determined, in that manner, progressively, and in proportion as their growing population may require, to reclaim from that state of nature, and to bring into cultivation every portion of the territory contained within their acknowledged boundaries. In thus providing for the support of millions of civilized beings, they will not violate any dictate of justice or of humanity; for they will not only give to the few thousand savages scattered over that territory an ample equivalent for any right they may surrender, but will always leave them the possession of lands more than they can cultivate, and more than adequate to their subsistence, comfort, and enjoyment, by cultivation. If this be a spirit of aggrandizement, the undersigned are prepared to admit, in that sense, its existence; but they must deny that it affords the slightest proof of an intention not to respect the boundaries between them and European nations, or of a desire to encroach upon the territories of Great Britain. If, in the progress of their increasing population, the American people must grow in strength proportioned to their number, the undersigned will hope that Great Britain, far from repining at the prospect, will contemplate it with satisfaction. They will not suppose that that Government will avow, as the basis of their policy towards the United States, the system of arresting their natural growth within their own territories, for the sake of preserving a perpetual desert for savages. If Great Britain has made sacrifices to give repose to the civilized world in Europe, no sacrifice is required from her by the United States to complete the work of general pacification. This negotiation at least evinces on their part no disposition to claim any other right than that of preserving their independence entire, and of governing their own territories without foreign interference.

Of the two proclamations, purported copies of which the British Plenipotentiaries have thought proper to enclose with their last note, the undersigned might content themselves with remarking that neither of them is the act of the American Government. They are enabled, however, to add, with perfect confidence, that neither of them was authorized or approved by the Government. The undersigned are not disposed to consider as the

act of the British Government the proclamation of Admiral Cochrane, herewith enclosed, exciting a portion of the population of the United States, under the promise of military employment, or of free settlement in the West Indies, to treachery and rebellion. The undersigned very sincerely regret to be obliged to say, that an irresistible mass of evidence, consisting principally of the correspondence of British officers and agents, part only of which has already been published in America, establishes beyond all rational doubt the fact that a constant system of excitement to those hostilities was pursued by the British traders and agents, who had access to the Indians, not only without being discountenanced, but with frequent encouragement by the British authorities; and that, if they ever dissuaded the Indians from commencing hostilities, it was only by urging them, as in prudence, to suspend their attacks until Great Britain could recognise them as her allies in the war.

When, in the conference of the 9th ultimo, the undersigned invited discussion upon the proposal of Indian pacification and boundary, as well as upon all the subjects presented by the British Plenipotentiaries for discussion, they expressly stated their motives to be—1st, to ascertain, by discussion, whether an article on the subject could be formed, to which they could subscribe, and which would be satisfactory to the British Plenipotentiaries; and, 2dly, that, if no such article could be formed, the American Government might be informed of the views of Great Britain upon that point, and the British Government of the objections, on the part of the United States, to any such arrangement. The undersigned have, in fact, already proposed no less than three articles on the subject, all of which they view as better calculated to secure peace and tranquillity to the Indians, than any of the proposals for that purpose made by the British Plenipotentiaries.

The undersigned had repeated their assurances to the British Plenipotentiaries that peace, so far as it depended on the United States, would immediately follow a peace with Great Britain; and added, that the Indians would thereby be reinstated in the same situation in which they stood before the commencement of hostilities. The British Plenipotentiaries insist, in their last note, that the Indian nation shall be included in the Treaty of Peace between Great Britain and the United States, and be restored to all the rights, privileges, and territories which they enjoyed in the year 1811, previous to their commencement of the war, by virtue of the Treaty of Greenville, and the treaties subsequently concluded between them and the United States. Setting aside the subject of boundary, which is presented as for discussion only, there is no apparent difference with respect to the object in view, the pacification and tranquillity of the Indians, and placing them in the same situation in which they stood before the war; all which will be equally obtained in the manner proposed by the undersigned. And the only point of real difference is, the British Plenipotentiaries insist that it should be done by

Relations with Great Britain.

including the Indians, as allies of Great Britain, in the Treaty of Peace between her and the United States.

The United States cannot consent that Indians residing within their boundaries, as acknowledged by Great Britain, shall be included in the Treaty of Peace in any manner which will recognise them as independent nations, whom Great Britain, having obtained this recognition, would hereafter have the right to consider in every respect as such. Thus, to recognise those Indians as independent and sovereign nations would take from the United States, and transfer to those Indians, all the rights of soil and sovereignty over the territory which they inhabit; and thus being accomplished, through the agency of Great Britain, would place them effectually and exclusively under her protection, instead of being, as heretofore, under that of the United States. It is not perceived in what respect such a provision would differ from an absolute cession by the United States of the extensive territory in question.

The British Plenipotentiaries have repeated the assertion that the treaty by which the Indians placed themselves under the protection of the United States was abrogated by the war; and thence infer, that they are no longer to be considered as under the protection of the United States, whatever may be the import of the term, and that the right of Great Britain to interfere in their behalf in the negotiation for peace can only be denied on the ground that they are regarded as subjects. In point of fact, several of the tribes, parties to the Treaty of Greenville, have constantly been, and still are, at peace with the United States. Whether that treaty be or be not abrogated, is a question not necessary now to be discussed. The right of the United States to the protection of the Indians within their boundaries was not acquired by that treaty; it was a necessary consequence of the sovereignty and independence of the United States. Previous to that time, the Indians living within the same territory were under the protection of His Britannic Majesty, as its Sovereign. The undersigned may refer the British Plenipotentiaries to all the acts of their own Government relative to the subject, for proof that it has always considered this right of protection as one of the rights of sovereignty which it needed no Indian treaty to confer, and which the abrogation of no Indian treaty could divest. They will particularly bring to their recollection, that when a similar proposition was made of considering Indian tribes as independent nations, to serve as a barrier between the French and English territories, was made by France to England, it was immediately rejected by a Minister to whom the British nation is accustomed to look back with veneration, and rejected on the express ground that the King would not renounce his right of protection over the Indians within his dominions. But whatever the relation of the Indians to the United States may be, and whether under their protection or not, Great Britain having, by the treaty of 1783, recognised the sovereignty of the United States,

and agreed to certain limits as their boundaries, has no right to consider any persons or communities, whether Indians or others, residing within those boundaries, as nations independent of the United States.

The United States claim, of right, with respect to all European nations, and particularly with respect to Great Britain, the entire sovereignty over the whole territory, and all the persons embraced within the boundaries of their dominions; Great Britain has no right to take cognizance of the relations subsisting between the several communities or persons living therein; they form, as to her, only parts of the dominions of the United States, and it is altogether immaterial whether, or how far, under their political institutions and policy, these communities or persons are independent States, allies, or subjects. With respect to her, and all other foreign nations, they are parts of a whole, of which the United States are the sole and absolute sovereigns.

The allegation of the British Plenipotentiaries that it is inconsistent with the practice or principles of Great Britain to abandon, in her negotiations for peace, those who have co-operated with her in war, is not applicable to the Indians, but on the erroneous assumption of their independence, which, so far as she is concerned, has been fully disproved. And although no power from these tribes to the British Government, to treat in their behalf, would, for the same reason, be admitted by the undersigned, they may nevertheless observe that the British Plenipotentiaries having produced no such powers, having no authority to bind the Indians, to engage for their assent to the pacification, or to secure the continuance of peace on their part, whilst speaking of them as allies, do really propose to treat for them, not as if they were independent nations, but as if they were the subjects of Great Britain. The undersigned, so far from asking that, in relation to the Indians, Great Britain should pursue a course inconsistent with her former practice and principles, only desire that she would follow her own example respecting them, in her former treaties with other European nations, and with the United States. No provision for the Indians is found in the treaty of 1763, by which France ceded Canada to Great Britain, although almost all the Indians living within the territory ceded, or acknowledged to belong to Great Britain, had taken part with France in the war. No such provision was inserted in the Treaty of Peace of 1783, between Great Britain and the United States, although almost all the Indians tribes living within the territory recognised by the treaty to belong to the United States, had, during the war, co-operated with Great Britain, and might have been considered as her allies more justly than on the present occasion. So far as concerns the relations between Great Britain and the United States, these Indians can be treated for only on the principles by which amnesties are stipulated in favor of disaffected persons, who, in times of war and invasion, co-operate with the enemy of the nation to which they belong. To go as far as possible

Relations with Great Britain.

in securing the benefit of the peace to the Indians, now the only object professed by the British Government in their present *sine qua non*, the undersigned offer a stipulation in general terms: that no person or persons, whether subjects, citizens, or Indians, residing within the dominions of either party, shall be molested or annoyed, either in their persons or their property, for any part they may have taken in the war between the United States and Great Britain; but shall retain all the rights, privileges, and possessions which they respectively had at the commencement of the war; they, on their part, demeaning themselves peaceably and conformably to their duties to the respective Governments. This, the undersigned have no doubt will effectually secure to the Indians peace, if they themselves will observe it, and they will not suppose that Great Britain would wish them included in the peace, but upon that condition.

The undersigned have never intimated that their Government had not furnished them with any instructions since January last. On the contrary, they distinctly told the British Plenipotentiaries in conference, though it appears to have escaped their recollection, that instructions had been received by the undersigned, dated at the close of the month of June. The undersigned will now add, that those instructions were drawn with a full knowledge of the general pacification in Europe, and with so liberal a consideration of its necessary bearing upon all the differences that had been until then subsisting between Great Britain and the United States, that the undersigned cannot doubt that peace would long since have been concluded, had not an insuperable bar against it been raised by the new and unprecedented demands of the British Government.

With respect to the proposition which the British Plenipotentiaries inform them they will be prepared to make, in relation to the Canadian boundaries, which appears to them so entirely founded on principles of moderation and justice, but the nature of which they think proper, at present, to withhold, the undersigned can only pledge themselves to meet any proposition from the British Plenipotentiaries characterized by moderation and justice, not only with a perfect reciprocity of those sentiments, but with a sincere and earnest desire to contribute to the restoration of peace, by every compliance with the wishes of Great Britain compatible with their duty to their country.

The undersigned have the honor of tendering to the British Plenipotentiaries the renewed assurance of their high consideration.

JOHN QUINCY ADAMS,
JAMES A. BAYARD,
HENRY CLAY,
JONA. RUSSELL,
A. GALLATIN.

From the British to the American Ministers.

GHEENT, October 8, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the Plenipoten-

tiaries of the United States dated on the 26th ultimo.

As the continuance of the negotiation exclusively depends upon the question relating to the pacification and rights of the Indian nations, the undersigned are unwilling to extend their observations to the other subjects brought forward in the note of the American Plenipotentiaries further than may be required for the necessary explanation.

In adverting for this purpose to the acquisition of Louisiana, the undersigned must observe that the instrument by which the consent of His Catholic Majesty is alleged to have been given to the cession of it has never been made public. His Catholic Majesty was no party to the treaty by which the cession was made, and if any sanction has been subsequently obtained from him, it must have been, like other contemporaneous acts of that monarch, involuntary, and, as such, cannot alter the character of the transaction. The Marquis of Yrujo, the Minister of His Catholic Majesty at Washington, in a letter addressed to the President of the United States, formally protested against the cession, and the right of France to make it; yet, in the face of this protestation, so strongly evincing the decided opinion of Spain as to the illegality of the proceeding, the President of the United States ratified the treaty. Can it be contended that the annexation of Louisiana, under such circumstances, did not mark a spirit of territorial aggrandizement?

His Britannic Majesty did certainly express satisfaction when the American Government communicated the event that Louisiana, a valuable colony in the possession of France, with whom the war had just been renewed, instead of remaining in the hands of his enemy, had been ceded to the United States, at that time professing the most friendly disposition towards Great Britain, and an intention of providing for her interest in the acquisition. But the conditions under which France had acquired Louisiana from Spain were not communicated; the refusal of Spain to consent to its alienation was not known; the protest of her Ambassador had not been made; and many other circumstances attending the transaction, on which it is now unnecessary to dilate, were, as there is good reason to believe, industriously concealed.

The proof of a spirit of aggrandizement which the undersigned had deduced from the hostile seizure of a great part of the Floridas, under the most frivolous pretences, remains unrefuted; and the undersigned are convinced that the occasion and circumstances under which that unwarrantable act of aggression took place have given rise throughout Europe to but one sentiment as to the character of the transaction.

After the previous communication which the undersigned have had the honor of receiving from the American Plenipotentiaries, they could not but feel much surprise at the information contained in their last note, of their having received instructions dated subsequently to January, 1814. The undersigned have no recollection whatever

Relations with Great Britain.

of the American Plenipotentiaries having communicated to them, either collectively or individually, at a conference or otherwise, the receipt of instructions from the Government of the United States dated at the close of the month of June; and they must remind the American Plenipotentiaries that their note of the 9th ultimo distinctly stated that the instructions of January, 1814, were those under which they were acting. If, therefore, the American Plenipotentiaries received instructions drawn up at the close of the month of June, with a liberal consideration of the late events in Europe, the undersigned have a right to complain that, while the American Government justly considered those events as having a necessary bearing on the existing differences between the two countries, the American Plenipotentiaries should nevertheless have preferred acting under instructions which, from their date, must have been framed without the contemplation of such events.

The British Government never required that all that portion of the State of Massachusetts intervening between the province of New Brunswick and Quebec should be ceded to Great Britain, but only that small portion of unsettled country which intercepts the communication between Halifax and Quebec; there being much doubt whether it does not already belong to Great Britain.

The undersigned are at a loss to understand how Vice Admiral Cochrane's proclamation illustrates any topic connected with the present negotiation, or bears upon the conclusion which they contended was to be drawn from the two proclamations of the American Generals. These proclamations, distinctly avowing the intention of the American Government permanently to annex the Canadas to the United States, were adduced not as matter of complaint, but simply for the purpose of proving what had been denied as a fact, viz: that such had been the declared intention of the American Government.

The undersigned observe that, although the American Plenipotentiaries have taken upon themselves generally to deny that the proclamations were authorized or approved by their Government, without stating in what mode that disapprobation was expressed, yet they avoid stating that the part of those proclamations containing the declaration in question had not been so authorized or approved. It is, indeed, impossible to imagine that, if the American Government had intimated any disapprobation of that part of General Hull's proclamation, the same declaration would have been as confidently repeated four months after by General Smyth.

His Majesty's Government have other and ample means of knowing that the conquest of the Canadas, and their annexation to the United States, was the object and policy of the American Government. For the present, the undersigned will content themselves with referring to the remonstrance of the Legislature of Massachusetts in June, 1813, in which this intention is announced as matter of notoriety.

The undersigned deny that the American Government has proved, or can prove, that, previous to the declaration of war by the United States, persons authorized by the British Government endeavored to excite the Indian nations against the United States; or that endeavors of that kind, if made by private persons, (which the undersigned have no reason to believe,) ever received the countenance or encouragement of His Majesty's Government.

The American Plenipotentiaries have not denied that the Indian nations had been engaged in war against the United States before the war with Great Britain had commenced; and they have reluctantly confessed that, so far from His Majesty's having induced the Indian nations to begin the war, as charged against Great Britain in the notes of the 24th of August and 9th ultimo, the British Government actually exerted their endeavors to dissuade the Indians from commencing it.

As to the unworthy motive assigned by the American Plenipotentiaries to this interference so amicably made on the part of Great Britain, its utter improbability is sufficiently apparent from considering by which party the war was declared. The undersigned, therefore, can only consider it as an additional indication of that hostile disposition which has led to the present unhappy war between the two countries. So long as that disposition continues, it cannot but render any effort on the part of Great Britain to terminate this contest utterly unavailing.

The American Plenipotentiaries appear unprepared to state the precise ground upon which they resist the right of His Majesty to negotiate with the United States on behalf of the Indian nations, whose co-operation in the war His Majesty has found it expedient to accept.

The Treaty of Greenville, to the words, stipulations, and spirit of which the undersigned have so frequently appealed, and all the treaties previously and subsequently made between the United States and the Indian nations, show beyond the possibility of doubt that the United States have been in the habit of treating with these tribes as independent nations, capable of maintaining the relations of peace and war, and exercising territorial rights.

If this be so, it will be difficult to point out the peculiar circumstances in the condition of these nations which should either exclude them from a treaty of general pacification, or prevent Great Britain, with whom they have co-operated as allies in the war, from proposing stipulations in their behalf at the peace. Unless the American Plenipotentiaries are prepared to maintain what they have in effect advanced, that, although the Indian nations may be independent in their relations with the United States, yet the circumstance of living within the boundary of the United States disables them from forming such conditions of alliance with a foreign Power, as shall entitle that Power to negotiate for them in a Treaty of Peace.

The principle upon which this proposition is

Relations with Great Britain.

founded was advanced, but successfully resisted, so far back as the Treaty of Munster. An attempt was then made to preclude France from negotiating in behalf of certain States and cities in Germany which had co-operated with her in the war, because, although those States and cities might be considered as independent for certain purposes, yet, being within the boundary of the German Empire, they ought not to be allowed to become parties in the general pacification with the Emperor of Germany, nor ought France to be permitted in that negotiation to mix their rights and interests with her own.

The American Plenipotentiaries, probably aware that the notion of such a qualified independence, for certain purposes and not for others, could not be maintained either by argument or precedent, have been compelled to advance the novel and alarming pretension that all the Indian nations living within the boundary of the United States must in effect be considered as their subjects, and consequently, if engaged in war against the United States, become liable to be treated as rebels or disaffected persons. They have further stated, that all the territory which these Indian nations occupy is at the disposal of the United States; that the United States have a right to dispossess them of it; to exercise that right whenever their policy or interests may seem to them to require it; and to confine them to such spots as may be selected, not by the Indian nations, but by the American Government. Pretensions such as these Great Britain can never recognise. However reluctant His Royal Highness the Prince Regent may be to continue the war, that evil must be preferred if peace can only be obtained on such conditions.

To support those pretensions, and at the same time to show that the present conduct of Great Britain is inconsistent with the former practice and principles, the American Plenipotentiaries have referred to the Treaty of Peace of 1783, to that of 1763, and to the negotiations of 1761, during the administration of a Minister whom the American Plenipotentiaries have stated, and truly stated, to be high in the estimation of his country.

The omission to provide, in the treaty of 1783, for the pacification of the Indian nations which were to be included within the proposed boundary of the United States, cannot preclude Great Britain from now negotiating in behalf of such tribes or nations, unless it be assumed that the occasional non-exercise of a right is an abandonment of it. Nor can the right of protection, which the American Plenipotentiaries have failed in showing to have been unclaimed by Great Britain, as incident to sovereignty, have been transferred by Great Britain to the United States, by a treaty to which the Indian nations were not parties.

In the peace of 1763, it was not necessary for Great Britain to treat for the pacification of the Indian nations, and the maintenance of their rights and privileges, because there had been no Indian nations living without the British boundaries who had co-operated with Great Britain in the war against France.

With respect to the negotiations of 1761, between Great Britain and France, on which the American Plenipotentiaries more particularly rely, they appear, in the judgment of the undersigned, to have much misunderstood the whole course of that negotiation.

It is very true that the French Government brought forward, at one period of the negotiation, a proposition by which a certain territory lying between the dominions of the two contracting parties was to have been allotted to the Indian nations. But it does not appear that this formed a part of their ultimatums, and it is clear that Mr. Pitt, in his answer, did not object to the proposition. He objected, indeed, to the proposed line of demarcation between the countries belonging to the two contracting parties, upon two grounds: first, that the proposed Northern line would have given to France what the French themselves had acknowledged to be part of Canada, the whole of which, as enjoyed by His Most Christian Majesty, it had been stipulated was to be ceded entirely to Great Britain. Secondly, that the Southern part of the proposed line of demarcation would have included within the boundary of Louisiana the Cherokees, the Creeks, the Chickasaws, the Choctaws, and another nation who occupied territories which had never been included within the boundary of that settlement. So far was Mr. Pitt from rejecting, as alleged by the American Plenipotentiaries, the proposition of considering Indian nations as a barrier, that, at one period of the negotiation, he complained that there was no provision for such a barrier; and he thus energetically urges his objection in his letter to Mr. Stanley, the British Plenipotentiary at Paris, dated on the 26th of June, 1761. "As to the fixation of new limits to Canada towards the Ohio, it is capacious and insidious, thrown out in hope, if agreed to, to shorten thereby the extent of Canada, and to lengthen the boundaries of Louisiana, and in the view to establish, what must be not admitted, namely, that all which is not Canada is Louisiana, whereby all the intermediate nations and countries, the true barrier to each province, would be given up to France."

The undersigned confidently expect that the American Plenipotentiaries will not again reproach the British Government with acting inconsistently with its former practice and principles, or repeat the assertion made in a former note, that a definition of Indian boundary, with a view to a neutral barrier, was a new and unprecedented demand by any European Power, and, most of all, by Great Britain. The very instance selected by the American Plenipotentiaries undeniably proves, that such a proposition had been entertained both by Great Britain and France, and that Mr. Pitt, on the part of Great Britain, had more particularly enforced it.

It remains only to notice two objections, which the American Plenipotentiaries have urged against the proposal of Indian pacification, advanced by the undersigned; first, that it is not reciprocal; secondly, that, as the United States could have

Relations with Great Britain.

no security that the Indian nations would conclude a peace on the terms proposed, the objection would be, in effect, unilateral.

The article now proposed by the undersigned, and herewith enclosed, is free from both objections, and appears to them so characterized by a spirit of moderation and peace, that they earnestly anticipate the concurrence of the American Plenipotentiaries.

In making a last effort in this stage of the war, the undersigned are not apprehensive that the motives which have influenced His Royal Highness the Prince Regent to direct a renewal of the proposition, with its present modifications, can be misunderstood or misrepresented.

Whatever may be the result of the proposition thus offered, the undersigned deliver it as their ultimatum, and now await with anxiety the answer of the American Plenipotentiaries, on which their continuance in this place will depend.

The undersigned avail themselves of this opportunity of renewing to the American Plenipotentiaries the assurance of their high consideration.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed, or been entitled to, in 1811, previous to such hostilities.

Provided, always, That such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

And His Britannic Majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively, all the possessions, rights, and privileges, which they may have enjoyed, or been entitled to, in 1811, previous to such hostilities.

Provided, always, That such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

From the American to the British Ministers.

GHEENT, October 13, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the Plenipotentiaries of His Britannic Majesty, dated on the 8th instant.

Satisfied of the impossibility of persuading the

world that the Government of the United States was liable to any well grounded imputation of a spirit of conquest, or of injustice towards other nations, the undersigned, in affording explanations on several of the topics adverted to by the British Plenipotentiaries during this negotiation, were actuated by the sole motive of removing erroneous impressions.

Still influenced by the same motive, they will now add, that at the time when the Spanish Minister was remonstrating at Washington against the transfer of Louisiana, orders were given by his Government for its delivery to France; that it was, in fact, delivered a short time after that remonstrance; and that, if the treaty by which the United States acquired it had not been ratified, it would have become of course a French colony. The undersigned believe that the evidence of the assent of Spain to that transfer has been promulgated. They neither admit the alleged disability of the Spanish monarch, nor the inference which the British Plenipotentiaries would seem to deduce from it; on the contrary, the assent was voluntarily given in the year 1804, by the same King, who, about the same time, ceded Trinidad to Great Britain, and prior to the time when he was again engaged in a war with her. The cession by France was immediately communicated to Great Britain, no circumstance affecting it, and then within the knowledge of the United States, being intentionally concealed from her. She expressed her satisfaction with it, and if in any possible state of the case, she would have had a right to question the transaction, it does not appear to the undersigned that she is now authorized to do so.

After stating, generally, that the proclamations of Generals Hull and Smyth were neither authorized nor approved by their Government, the undersigned could not have expected that the British Plenipotentiaries would suppose that their statement did not embrace the only part of the proclamations which was a subject of consideration.

The undersigned had, indeed, hoped that, by stating in their note of the 9th ultimo that the Government of the United States, from the commencement of the war, had been disposed to make peace without obtaining any cession of territory, and by referring to their knowledge of that disposition, and to instructions accordingly given from July, 1812, to January, 1814, they would effectually remove the impression that the annexation of Canada to the United States was the declared object of their Government. Not only have the undersigned been disappointed in this expectation, but the only inference which the British Plenipotentiaries have thought proper to draw from this explicit statement has been that, either the American Government, by not giving instructions subsequent to the pacification of Europe, or the undersigned, by not acting under such instructions, gave no proof of a sincere desire to bring the present negotiations to a favorable conclusion. The undersigned did not allude, in reference to the alleged intention to annex Canada to the United States, to any instructions given by

Relations with Great Britain.

their Government subsequent to January last, because asking at this time for no accession of territory, it was only of its previous disposition that it appeared necessary to adduce any proof. So erroneous was the inference drawn by the British Plenipotentiaries in both respects, that it was in virtue of the instructions of June last, that the undersigned were enabled, in their note of the 24th of August, to state that the causes of the war between the United States and Great Britain having disappeared by the maritime pacification of Europe, they had been authorized to agree to its termination upon a mutual restoration of territory, and without making the conclusion of peace to depend on a successful arrangement of those points on which differences had existed.

Considering the present state of the negotiation, the undersigned will abstain, at this time, from adducing any evidence or remarks upon the influence which has been exerted over the Indian tribes inhabiting the territories of the United States, and the nature of those excitements which have been employed by British traders and agents.

The arguments and facts already brought forward by the undersigned respecting the political condition of those tribes render it unnecessary for them to make many observations on those of the British Plenipotentiaries on that subject. The treaties of 1763, and of 1783, were those principally alluded to by the undersigned to illustrate the practice of Great Britain. She did not admit in the first, nor require in the last, any stipulations respecting the Indians who, in one case, had been her enemies, and in the other her allies, and who, in both instances, fell by the peace within the dominions of that Power against whom they had been engaged in the preceding war.

The negotiation of 1761, was quoted for the purpose of proving what appears to be fully established by the answer of England to the ultimatum of France, delivered on the 1st of September of that year, that His Britannic Majesty would not renounce his right of protection over the Indian nations reputed to be within his dominions, that is to say, between the British settlements and the Mississippi. Mr. Pitt's letter, cited by the British Plenipotentiaries, far from contradicting that position, goes still further. It states that "the fixation of the new limits to Canada, as proposed by France, is intended to shorten the extent of Canada, which was to be ceded to England, and to lengthen the boundaries of Louisiana, which France was to keep, and in the view to establish what must be not admitted, namely, that all which is not Canada is Louisiana, whereby all the intermediate nations and countries, the true barrier to each province, would be given up to France." This is precisely the principle uniformly supported by the undersigned, to wit, that the recognition of a boundary gives up to the nation in whose behalf it is made, all the Indian tribes and countries within that boundary. It was on this principle that the undersigned have confidently relied on the treaty of 1783, which fixes and recognises the boundary of the United States without making any reservation respecting Indian tribes.

But the British Plenipotentiaries, unable to produce a solitary precedent of one European Power treating for the savages inhabiting within the dominions of another, have been compelled, in support of their principle, to refer to the German Empire, a body consisting of several independent States, recognised as such by the whole world, and separately maintaining, with foreign Powers, the relations belonging to such a condition. Can it be necessary to prove that there is no sort of analogy between the political situation of these civilized communities and that of the wandering tribes of North American savages?

In referring to what the British Plenipotentiaries represent as alarming and novel pretensions, which Great Britain can never authorize, the undersigned might complain that these alleged pretensions have not been stated, either in terms or in substance, as expressed by themselves. This, however, is the less material as any further recognition of them by Great Britain is not necessary nor required. On the other hand, they can never admit nor recognise the principles or pretensions asserted in the course of this correspondence by the British Plenipotentiaries, and which to them appear novel and alarming.

The article proposed by the British Plenipotentiaries in their last note, not including the Indian tribes as parties in the peace, and leaving the United States free to effect its object in the mode consonant with the relations which they have constantly maintained with those tribes; partaking, also, of the nature of an amnesty, and being at the same time reciprocal, is not liable to that objection, and accords with the views uniformly professed by the undersigned of placing those tribes precisely, and in every respect in the same situation as that in which they stood before the commencement of hostilities. This article, thus proposing only what the undersigned have so often assured the British Plenipotentiaries would necessarily follow, if, indeed, it has not already, as is highly probable, preceded, a peace between Great Britain and the United States, the undersigned agree to admit it in substance as a provisional article, subject, in the manner originally proposed by the British Government, to the approbation or rejection of the Government of the United States, which, having given no instructions to the undersigned on this point, cannot be bound by any article they may admit on the subject.

It will, of course, be understood that if, unhappily, peace should not be the result of the present negotiation, the article thus conditionally agreed to shall be of no effect, and shall not, in any future negotiation, be brought forward by either party by way of argument or precedent.

This article having been presented as an indispensable preliminary, and being now accepted, the undersigned request the British Plenipotentiaries to communicate to them a project of a treaty embracing all the points deemed material by Great Britain; the undersigned engaging on their part, to deliver, immediately after, a counter project with respect to all the articles to which

Relations with Great Britain.

they may not agree, and on the subjects deemed material by the United States, and which may be admitted in the British project.

JOHN QUINCY ADAMS,
JAMES A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

From the British to the American Ministers

GHEENT, October 21, 1814.

The undersigned have had the honor of receiving the note of the American Plenipotentiaries of the 13th instant, communicating their acceptance of the article which the undersigned had proposed on the subject of the pacification and rights of the Indian nations.

The undersigned are happy in being thus relieved from the necessity of recurring to several topics which, though they arose in the course of their discussions, have only an incidental connexion with the differences remaining to be adjusted between the two countries.

With a view to this adjustment the undersigned, preferring in the present state of the negotiation a general statement to the formal arrangement of articles, are willing so far to comply with the request of the American Plenipotentiaries contained in their last note, as to waive the advantage to which they think they were fairly entitled, of requiring from them the first *projet* of a treaty.

The undersigned having stated, at the first conference, the points upon which His Majesty's Government considered the discussions between the two countries as likely to turn, cannot better satisfy the request of the American Plenipotentiaries, than by referring them to that conference for a statement of the points which, in the opinion of His Majesty's Government, yet remain to be adjusted.

With respect to the forcible seizure of mariners from on board merchant vessels on the high seas, and the rights of the King of Great Britain to the allegiance of all his native subjects, and with respect to the maritime rights of the British empire, the undersigned conceive that, after the pretensions asserted by the Government of the United States, a more satisfactory proof of the conciliatory spirit of His Majesty's Government cannot be given than by not requiring any stipulation on those subjects, which, though most important in themselves, no longer, in consequence of the maritime pacification of Europe, produce the same practical results.

On the subject of the fisheries the undersigned expressed, with so much frankness, at the conference already referred to, the views of their Government, that they consider any further observations on that topic as unnecessary at the present time.

On the question of the boundary between the dominions of His Majesty and those of the United States, the undersigned are led to expect,

from the discussion which this subject has already undergone, that the Northwestern boundary, from the Lake of the Woods to the Mississippi, (the intended arrangement of 1803,) will be admitted without objection.

In regard to other boundaries, the American Plenipotentiaries, in their note of August 24th, appeared in some measure to object to the propositions then made by the undersigned, as not being on the basis of *uti possidetis*. The undersigned are willing to treat on that basis, subject to such modifications as mutual convenience may be found to require; and they trust that the American Plenipotentiaries will show, by their ready acceptance of this basis, that they duly appreciate the moderation of His Majesty's Government, in so far consulting the honor and fair pretensions of the United States as, in the relative situation of the two countries, to authorize such a proposition.

The undersigned avail themselves of this opportunity to renew to the American Plenipotentiaries the assurance of their high consideration.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

From the American to the British Ministers.

GHEENT, October 24, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the British Plenipotentiaries, of the 21st instant.

Amongst the general observations which the undersigned, in their note of the 24th August, made on the propositions then brought forward on the part of the British Government, they remarked, that those propositions were founded neither on the basis of *uti possidetis* nor on that of *status ante bellum*. But so far were they from suggesting the *uti possidetis* as the basis on which they were disposed to treat, that, in the same note, they expressly stated that they had been instructed to conclude a peace on the principle of both parties restoring whatever territory they might have taken. The undersigned also declared in that note, that they had no authority to cede any part of the territory of the United States; and that no stipulation to that effect would they subscribe. And in the note of the 9th September, after having shown that the basis of *uti possidetis*, such as it was known to exist at the commencement of the negotiation, gave no claim to His Britannic Majesty to cessions of territory founded upon the right of conquest, they added that, even if the chances of war should give to the British arms a momentary possession of other parts of the territory of the United States, such events would not alter their views with regard to the terms of peace, to which they would give their consent.

The undersigned can now only repeat those declarations, and decline treating upon the basis of *uti possidetis*, or upon any other principle involving a cession of any part of the territory of

Great Britain—Prisoners of War,

the United States. As they have uniformly stated, they can treat only upon the principle of a mutual restoration of whatever territory may have been taken by either party. From this principle they cannot recede; and the undersigned, after the repeated declarations of the British Plenipotentiaries, that Great Britain had no view to acquisition of territory in this negotiation, deem it necessary to add, that the utility of its continuance depends on their adherence to this principle.

The undersigned having declared in their note of the 24th of August, that, although instructed and prepared to enter into an amicable discussion of all the points on which differences or uncertainty had existed, and which might hereafter tend to interrupt the harmony of the two countries, they would not make the conclusion of the peace at all depend upon a successful result of the discussion; and having since agreed to the preliminary article proposed by the British Government, had believed that the negotiations, already so long protracted, could not be brought to an early conclusion, otherwise than by a communication of a project, embracing all the other specific propositions which Great Britain intended to offer. They repeat their request in that respect, and will have no objection to a simultaneous exchange of the project of both parties. This course will bring fairly into discussion the other topics embraced in the last note of the British Plenipotentiaries, to which the undersigned have thought it unnecessary to advert at the present time.

The undersigned renew to the British Plenipotentiaries the assurance of their high consideration.

JOHN QUINCY ADAMS,
JAMES A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL,
A. GALLATIN.

To the PLÉNIPOTENTIAIRES
of His Britannic Majesty, &c.

The American Plenipotentiaries to the Secretary of State.

GHEENT, October 31, 1814.

SIR: The detention of the Chauncey at Ostend enables us to send you the enclosed note from the British Plenipotentiaries, which we have just received.

We have the honor to be, with perfect respect, your obedient servants,

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

Hon. J. MONROE, Sec'y of State.

From the British to the American Ministers.

GHEENT, October 31, 1814.

The undersigned have the honor to acknowledge the receipt of the note addressed to them by the American Plenipotentiaries on the 24th instant, in which they object to the basis of *uti*

possidetis, proposed by the undersigned as that on which they were willing to treat, in regard to part of the boundaries between the dominions of His Majesty and those of the United States.

The American Plenipotentiaries, in their note of the 13th instant, requested the undersigned to communicate to them the *projet* of a treaty embracing all the points insisted on by Great Britain, engaging, on their part, to deliver immediately after a *contre-projet*, as to all the articles to which they might not agree, and as to all the subjects deemed material by the United States, and omitted in the *projet* of the undersigned.

The undersigned were accordingly instructed to waive the question of etiquette, and the advantage which might result from receiving the first communication, and, confiding in the engagement of the American Plenipotentiaries, communicated in their note of the 21st instant, all the points upon which they were instructed to insist.

The American Plenipotentiaries have objected to one essential part of the *projet* thus communicated; but before the undersigned can enter into the discussion of this objection, they must require from the American Plenipotentiaries that, pursuant to their engagement, they will deliver a *contre-projet*, containing all their objections to the points submitted by the undersigned, together with a statement of such further points as the Government of the United States consider to be material.

The undersigned are authorized to state distinctly that the article as to the pacification and right of the Indian nations having been accepted, they have brought forward in their note of the 21st instant all the propositions which they have to offer. They have no further demands to make, no other stipulations on which they are instructed to insist, and they are empowered to sign a Treaty of Peace forthwith, in conformity with those stated in their former note.

The undersigned trust, therefore, that the American Plenipotentiaries will no longer hesitate to bring forward, in the form of articles, or otherwise, as they may prefer, those specific propositions upon which they are empowered to sign a Treaty of Peace between the two countries.

The undersigned avail themselves of the present opportunity to renew to the Plenipotentiaries of the United States the assurance of their high consideration.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

GREAT BRITAIN—PRISONERS OF WAR.

[Communicated to Congress, October 28, 1814.]

To the House of Representatives
of the United States:

I transmit to the House of Representatives a report from the Department of State, complying with their resolution of the 15th instant.

JAMES MADISON.

OCTOBER 28, 1814.

Great Britain—Prisoners of War.

DEPARTMENT OF STATE, Oct. 27, 1814.

The acting Secretary of State, to whom was referred the resolution of the House of Representatives of the 15th instant, has the honor of submitting to the President the accompanying papers marked Nos. 1, 2, 3, and 4, as containing the information which is presumed to be called for by the said resolution.

Respectfully submitted.

JAMES MONROE.

PRESIDENT of the *United States*.

No. 1.

Extract of a letter from Reuben G. Beasley, Esq., to the Commissary General of Prisoners.

LONDON, March 18, 1814.

Having had several conversations on the subject of retaliation, previous to the receipt of your letters of the 6th and 9th of January, I took the earliest occasion to communicate the information they contained. On the 9th ultimo, I addressed a letter to the Transport Board on the subject, a copy of which I have now the honor to enclose. Although I have received no reply to this letter, I have the satisfaction to inform you that I have been assured by the Secretary of the Board, and have found the fact confirmed by my own observation, that the treatment of the individuals sent to this country for trial has in no respect been different from that of the other prisoners of war.

[Enclosed in the preceding.]

Mr. Beasley to the Secretary of the Transport Board.

HARLEY STREET, Feb. 19, 1814.

SIR: In consequence of the wish which you verbally expressed to me yesterday, I now present to the Board, in the form in which it has been communicated to me by the Commissary General of Prisoners of the United States, a statement of the various measures of retaliation which have been forced on the American Government by the unwarrantable acts of British officers. I the more readily comply with this wish, because it will lead to a proper understanding on the subject, and I persuade myself it will be followed by measures on the part of the British Government which will not only relieve the suffering individuals but put an end to the proceedings, the very idea of which is so painful to every generous and humane feeling. I begin in the order in which they occurred.

[Here follows the statement extracted from General Mason's letter of the 6th January.] 1814.*

To the foregoing I have to add, that information has been received by the Commissary General that the British commanding officer at Halifax had confined there sixty-four American officers, with intention to make the number ninety-two, in retaliation for the forty-six British officers confined by the American Government. As soon

as this should be officially communicated to the Government, a correspondent and effectual measure would be adopted in the United States.

In this statement, and the documents which accompany it, will be found the disposition and sentiments of the American Government. It will be seen that the system was not begun by the United States. Prompt in the discharge of the duty they owe to their citizens, they have constantly lamented the necessity of the measures imposed on them, and have on every occasion shown, as you will see exemplified in the first, second, third, and fourth acts, above recited, that the moment the necessity of detention ceased to exist, the persons confined have been released.

The British agent in the United States, who has been regularly informed of every circumstance relative to this unpleasant subject, will no doubt have done the American Government the justice to say, that the sufferings of the individuals concerned have at all times been as little as the nature of the case would admit.

It has been thought extraordinary that, contrary to the stipulations of the cartel, American prisoners have been sent to this country from Canada. This measure was strongly remonstrated against to Colonel Barclay sometime ago; but so far from having produced the desired effect, it has been continued under circumstances of the greatest hardship and suffering. About four hundred of these persons, many of whom had never before been at sea, were hurried on board ship, without the least previous notice to provide themselves with necessaries, and in that situation exposed to a boisterous Winter passage. The Government of the United States has sought in vain for a legitimate motive for this conduct, which will necessarily lead to a corresponding measure of severity, if not satisfactorily explained.

I am instructed to make inquiry relative to the situation of all the prisoners who have from time to time been sent to this country; and to give information of places of confinement and treatment of those who were sent here for trial.

I have to remark, that, while the British prisoners in the United States have been treated in exact conformity to the stipulations contained in the cartel, no change whatever has been made in the treatment of American prisoners in close confinement, nor has any satisfactory reason been given why they have not been placed on the same footing.

The situation of the British officers who are held in the United States as hostages to answer in their persons for the safety and proper treatment of the American prisoners, will be found described in the extract of a letter herewith transmitted, dated 13th December, 1813, and it will continue the same while it is understood that American officers, in the hands of the British Government, meet with similar treatment.

I am, sir, most respectfully, your obedient servant,

R. G. BEASLEY.

ALEXANDER MCLEAY, Esq., &c.

* This statement contained the substance of the cases to be found in the report of the Secretary of State of the 14th April, 1814, printed by order of the Senate.

Great Britain—Prisoners of War.

No. 2.

Extracts of a letter of instructions from the Secretary of State to Colonel Tobias Lear.

WASHINGTON, June 27, 1814.

On the subject of hostages, if any are retained on either side, it cannot be admitted that a number of prisoners shall be left in the hands of the enemy in that state, or in any other, different from the ordinary state of prisoners of war, greater than shall be held by us to answer for their proper treatment and safety.

You are not unacquainted with the cause which induced the Government to designate certain persons prisoners of war, in our possession, to abide the fate of such American prisoners of war as the enemy had thought proper to separate from their comrades, and to transport, under severe and ignominious confinement, to England, for trial as traitors. While this treatment continued, and while there was a probability of the threatened trial and punishment, this Government could not, and would not, have relaxed in the measures it had adopted. Information, however, having been recently received from Mr. Beasley, American agent for prisoners at London, dated on the 18th of March last, by which it is known that he had received assurances, and that he was satisfied of the fact, that the treatment of the individuals sent to that country, avowedly for trial, has been in no respect different from that of other prisoners of war, the President has been induced to hope, from this circumstance, as well as from the length of time which has elapsed since these persons have been in England, without having been brought to trial, that it is not the intention of the British Government to take a step which would inevitably involve consequences shocking to humanity; and sincerely desirous of lessening, as much as possible, the sufferings of individuals on both sides, he has determined that, reserving to the Government the full right of replacing the hostages, who may have been designated here, and retaining the power to do so, such of the prisoners taken from the command of Sir George Prevost, as have been so designated, may be now exchanged. You are accordingly authorized to stipulate that the proposed release and exchange shall be without distinction of hostages, taking care that it shall be reciprocal, and that a special reservation be made of the right, which may be common, to replace them, whenever it is deemed proper to do so.

No. 3.

Extracts of such parts of a convention for the exchange of prisoners of war, proposed on the 15th of April, 1814, and of the instrument by which it was modified, and finally agreed upon, on the 16th of July following, between agents duly authorized by the Secretary of State of the United States, on the one part, and Sir George Prevost, Commander-in-Chief of the British forces in the Canadas, on the other, as relates to those who had been, on either side, confined under the system of retaliation.

Extracts of the Convention of the 15th of April.

ARTICLE 1. It is mutually stipulated and agreed, that all the persons belonging to the army, navy,

or militia, of the United Kingdom of Great Britain and Ireland, or the provinces or dependencies thereof, under the command, authority, and jurisdiction of his excellency Sir George Prevost, or any subjects or residents thereof, within the same command, authority, and jurisdiction, who may have been captives during the present war, under and by the command and authority of the Government of the United States, and also all persons belonging to the navy, army, or militia of the United States, or any of them, or the territories thereof, or citizens or residents of the same, or any of them, who may have been made captives during the present war, by and under the command and authority of Sir George Prevost, aforesaid; and which said persons, so respectively captured, are now held in confinement by the said respective parties either as prisoners of war, hostages, or otherwise, shall be mutually and respectively forthwith released from confinement, and sent, or permitted to proceed, to the United States or Canada, respectively, in the manner hereinafter pointed out, with as little delay as may be, saving and excepting always the first three-and-twenty men first put into confinement on principles of retaliation, as hostages, by the United States, and the officers and non-commissioned officers put into confinement by his excellency Sir George Prevost, in retaliation for the confinement of the said twenty-three men, private soldiers.

ART. 9. It is further mutually agreed, that all the persons thus released, and sent or permitted to return to their respective countries, who are now in Lower Canada, or on the eastern side of the Alleghany mountains in the United States, and also all prisoners of war who are now on parole, or otherwise in their respective countries, be, and the same are hereby declared to be exchanged, and that they, and every of them, from and after the 15th of May next, shall be perfectly and entirely free to enter and engage in the military, naval, or other service of their respective countries, as if they never had been prisoners of war and hostages; and, in like manner, all the said persons who are on the western side of the Alleghany mountains, in the United States, and those who are in or near Halifax or in Nova Scotia, and who were captured by and under the command of Sir George Prevost, shall be, and are hereby, declared exchanged, and at liberty to enter into the naval, military, or other service of their respective countries, as if they had never been made prisoners of war and hostages.

ART. 12. It is further mutually agreed and expressly understood, that nothing herein contained is intended or shall in any manner prevent or hinder either party from resorting to retaliation, or replacing said hostages, whenever either may deem it proper, for the past or any future act or conduct of the opposite party.

Extracts of the instrument of modification and ratification of the 16th of July.

PREAMBLE.—The following modifications of the said Convention of the 15th of April last have

Great Britain—Prisoners of War.

been agreed to; in consequence of which the same is hereby ratified and confirmed, on the part of the United States, in virtue of the full powers given to the aforesaid Tobias Lear, the same having been before ratified by his excellency Sir George Prevost, &c.

ARTICLE 1. The twenty-three British soldiers put into confinement as hostages by the United States, and the forty-six American commissioned and non-commissioned officers put in confinement by his excellency Sir George Prevost, in retaliation for the confinement of the said twenty-three soldiers, as mentioned in the 1st article of the aforesaid Convention, are to be immediately released and exchanged, in the same manner as other prisoners of war mentioned in said article.

ART. 2. All accounts of exchange, relative to prisoners of war, officers and non-commissioned officers, and privates, of the army, navy, and militia, of the Government of Great Britain, and of the United States of America, and of all other persons, subjects or residents of the one, or citizens or residents of the other, captured by the forces under the command of Sir George Prevost, or from his command or authority, during the present war between Great Britain and the United States, prior to the 15th of April last, and for the release and exchange of whom it is stipulated by the 9th article of the aforesaid Convention of the 15th of April aforesaid, and the twenty-three and forty-six hostages, before mentioned, are by this present modification definitely liquidated and settled, without either party having any pretension or right to any claim therein hereafter.

No. 4.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

BLADENSBURG, *June 14, 1814.*

Should there be any British prisoners of war remaining in these States from New York eastward, permit me to recommend their being released, and sent in the Matilda (cartel) lately arrived at Salem, with American prisoners. In the number I hope you will include all those now held as hostages, and beg leave to assure you, I have recommended to the Admiral and General the release of all Americans held on similar principles, to the state of ordinary prisoners; and that Mr. Mitchell be informed he is at liberty to select them to be sent to these States, in return for British prisoners received.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated

JUNE 21, 1812.

On the subject of hostages, I will cheerfully direct to be released and sent to Halifax any such as we now hold on the maritime frontier of Massachusetts, if you will engage that the persons at Halifax, on whose account they were confined, shall be immediately released and returned to the United States. I believe there are but sixteen of

that description, whose names are enclosed. The few then remaining, with the desire to meet the relaxation proposed by you, I will direct to be confined, with other non-paroled prisoners, on board the prison-ship at Salem.

Colonel Thomas Barclay to General Mason.

BLADENSBURG, *June 21, 1814.*

SIR: I had hoped, in consequence of my having acquainted you I had recommended the naval and military commanders at Halifax to release to the state of ordinary prisoners all the Americans then held on retaliatory principles, that this Government would have been induced to adopt a similar conciliatory measure, and thereby relieve the unfortunate men who have been so unpleasantly situated. You will, by a reperusal of my late letters on this subject, perceive the unpleasant consequences to which His Majesty's Government will be driven, if the acts above mentioned on the part of His Majesty do not meet a corresponding conduct on the part of this Government.

Mr. Prince, the Marshal of Massachusetts, has informed Mr. Simpson, that you have directed him to retain eighteen British prisoners as hostages for a like number of men, part of the one hundred and one American prisoners sent last Autumn to England.

On the 14th instant I requested you to inform me whether you would consent that all the British prisoners who might remain in the Eastern States after the departure of the Perseverance cartel to Halifax, should be sent in the Matilda cartel for Halifax, for whom I would order an equivalent to be returned. A measure of this nature must prove equally advantageous to both nations. Permit me to request your answer, and if it is the determination of this Government to hold any British subjects as hostages, that you will favor me with a list of their names, the persons they are held for, and the places of confinement.

I have the honor to be, sir, your obedient servant,

THOMAS BARCLAY.

General MASON, &c.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

BLADENSBURG, *June 22, 1814.*

SIR: I am this moment honored with your letter of yesterday.

I am pleased with your consenting to send all the British prisoners remaining in the Eastern States to Halifax, and that the hostages are to be included. I have repeatedly informed you, that I had requested every American prisoner, held as a hostage at Halifax, should be released to the state of ordinary prisoners, and that Mr. Mitchell should be at liberty to select whom he pleased in making up the equivalent to be sent from Hal-

Great Britain—Prisoners of War.

fax. I will be answerable that the above is carried into effect, and that an equivalent, under Mr. Mitchell's election, is immediately sent from Halifax to Salem, in return for the men whom the Matilda carries from Salem.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated

WASHINGTON, June 22, 1814.

I have received your letters of this date, and of the 21st instant. I shall, in consequence of your engagement in that of the 22d instant, and in compliance with the terms of mine of yesterday, by the mail made up to-day, instruct Mr. Prince to collect all the prisoners he can, in a reasonable time, and send by the cartel Matilda, and such hostages as have been designated in retaliation against American prisoners confined at Halifax.

The other hostages designated for American prisoners sent to England will be placed in the ordinary state of non-paroled prisoners, and those at Fort Sewall removed to the prison-ship at Salem for that purpose.

Colonel Thomas Barclay to General Mason.

BLADENSBURG, August 9, 1814.

SIR: I had hoped, in consequence of my several letters to you on the subject of retaliation and the release of all the American prisoners held as hostages in His Majesty's dominions under retaliatory orders, of which I have given you notice, that this Government would have been induced to follow the example, and place in the ordinary state of prisoners, ready for release and exchange, the few British prisoners named at the foot of this letter, who are still held in confinement as hostages.

I request you will be pleased to inform me, whether it is the intention of this Government to continue these unfortunate men in prison as hostages, and to withhold their release and exchange; and I beg leave to add, that, if this is the case, double the number of American prisoners will once more be placed in a similar state of confinement in retaliation for these men.

I have the honor to be, sir, your most obedient servant,

THOMAS BARCLAY.

General MASON, &c.

List of prisoners referred to in the preceding letter.

In Massachusetts—John Price, R. Robertson, John Anderson, John Egan, James Dawson, Henry Beddingfield, William Kitts.

In Rhode Island—William Lincoln.

Extract of a letter from the Commissary General of Prisoners, to Colonel Barclay, dated

AUGUST 12, 1814.

SIR: In reply to your letter of the 9th instant, I shall pass over the terms in which you have

thought proper to convey part of that letter, with the remark, that after the manner in which the subject of hostages had been treated in your letter of the 14th of June, and mine of the 21st and 22d of the same month, considering the information I had given you in my letter of the 20th of May, of the relaxation which had taken place in the condition of the twenty-three hostages in our power at Greenbush, and the cause of it, and the communication I had made you as late as the 28th ultimo, of the Convention concluded with Sir George Prevost, by which these and all other hostages appertaining to the class of prisoners captured by or from his command, were released and finally exchanged, it could not have been expected, when you thought proper to make further inquiry as to the situation of those persons yet remaining in our possession, who had been hostages, and the intention of the Government toward them, you should have then resorted to the same declaration of consequences, conveyed in terms amounting to a threat, which you had been informed in a letter I addressed to you on the 11th of June, on a former occasion, was unavailing, and had been considered exceptionable.

In my letter of the 22d of June, I informed you, that those who had been hostages, and not sent for exchange by the cartel then in port, should be restored to the ordinary state of prisoners. Why, then, unless you were well assured that this had not been done, do you say in yours of the 9th instant, you had hoped that the American Government would have been induced to follow the example of your Government? The fact is, at this time, there is no British prisoner in this country in any other situation. The order to that effect went from this office on the 22d of June, as to the prisoners in Massachusetts; and on the 19th of July, as to one William Lincoln, in Rhode Island. The copy of my letter to the Marshal of that State, now sent, will explain the cause of his confinement being thus much lengthened; namely, his attempt to escape.

The reasons which determined this Government to relax in the mode of treatment towards hostages are detailed in that letter, and were the same which induced it to accept a proposition, on the part of Sir George Prevost, to include all hostages on both sides in the general exchange of prisoners made with him, with the reservation of the right to replace them with others, should it, from any change of circumstances, be deemed necessary. These reasons, to wit: information from our agent in London that the American prisoners, sent to England for trial, were not then confined or treated otherwise than ordinary prisoners, operating generally, so soon as they had been acted on in the exchange of part of the hostages held by us in the quarter just mentioned, produced instructions from this office to put on the same footing "the persons heretofore designated as hostages of the maritime class, and to hold them ready for exchange." They are accordingly now so held.

I have the honor to be, sir, your most obedient servant.

Relations with Great Britain.

GREAT BRITAIN.

[Communicated to the Senate, by the Messages of February 15, 16, and 20, 1815.]

To the Senate of the United States :

I have received from the American Commissioners a Treaty of Peace and Amity between His Britannic Majesty and the United States of America, signed by those Commissioners and by the Commissioners of His Britannic Majesty at Ghent on the 24th December, 1814. The termination of hostilities depends upon the time of the ratification of the treaty by both parties. I lose no time, therefore, in submitting the treaty to the Senate for their advice and approbation.

I transmit, also, a letter from the American Commissioners which accompanied the treaty.

JAMES MADISON.

FEBRUARY 15, 1815.

To the Senate of the United States :

I transmit to the Senate a report of the acting Secretary of State, complying with their resolution of yesterday.

JAMES MADISON.

FEBRUARY 16, 1815.

[Report of the Secretary of State, referred to in the preceding Message.]

DEPARTMENT OF STATE,

February 16, 1815.

The acting Secretary of State, to whom was referred the resolution of the Senate of the 15th instant, requesting the "President of the United States to cause to be laid before the Senate all instructions given to the Envoys at Ghent, the correspondence between the said Envoys and the Department of State, and the correspondence and protocols of conference between the said Envoys and the Ministers of His Britannic Majesty, during the negotiation at Ghent, which have not before been communicated to the Senate," has the honor to state that the instructions to the Envoys at Ghent have heretofore been communicated to the Senate, except those of which the accompanying papers marked A and B are copies.

The correspondence and protocols of conferences between the said Envoys and the Ministers of His Britannic Majesty which have been received at this Department, and which have not heretofore been communicated to the Senate will be found in the accompanying papers marked 1, 2, 3, 4, 5, 6, 7, 8, and 9.

All which is respectfully submitted.

JAMES MONROE.

To the Senate and House of Representatives of the United States :

I lay before Congress copies of the Treaty of Peace and Amity between the United States and His Britannic Majesty, which was signed by the Commissioners of both parties, at Ghent, on the

24th of December, 1814, and the ratifications of which have been duly exchanged.

While performing this act, I congratulate you and our constituents upon an event which is highly honorable to the nation, and terminates, with peculiar felicity, a campaign signalized by the most brilliant successes.

The late war, although reluctantly declared by Congress, had become a necessary resort to assert the rights and independence of the nation. It has been waged with a success which is the natural result of the wisdom of the Legislative Councils, of the patriotism of the people, of the public spirit of the militia, and of the valor of the military and naval forces of the country. Peace, at all times a blessing, is peculiarly welcome, therefore, at a period when the causes for the war have ceased to operate; when the Government has demonstrated the efficiency of its powers of defence; and when the nation can review its conduct without regret and without reproach.

I recommend to your care and beneficence the gallant men, whose achievements in every department of military service, on the land and on the water, have so essentially contributed to the honor of the American name, and to the restoration of peace. The feelings of conscious patriotism and worth will animate such men under every change of fortune and pursuit; but their country performs a duty to itself, when it bestows those testimonials of approbation and applause which are at once the reward and the incentive to great actions.

The reduction of the public expenditure to the demands of a Peace Establishment, will doubtless engage the immediate attention of Congress. There are, however, important considerations which forbid a sudden and general revocation of the measures that have been produced by the war. Experience has taught us that neither the pacific dispositions of the American people, nor the pacific character of their political institutions, can altogether exempt them from that strife which appears, beyond the ordinary lot of nations, to be incident to the actual period of the world; and the same faithful monitor demonstrates that a certain degree of preparation for war is not only indispensable to avert disaster in the onset, but affords also the best security for the continuance of peace. The wisdom of Congress will, therefore, I am confident, provide for the maintenance of an adequate regular force; for the gradual advance of the Naval Establishment; for improving all the means of harbor defence; for adding discipline to the distinguished bravery of the militia; and for cultivating the military art, in its essential branches, under the liberal patronage of the Government.

The resources of our country were at all times competent to the attainment of every national object; but they will now be enriched and invigorated by the activity which peace will introduce into all the scenes of domestic enterprise and labor. The provision that has been made for the public creditors, during the present session of Congress, must have a decisive effect in the establishment of the public credit, both at home and abroad.

Relations with Great Britain.

The reviving interests of commerce will claim the legislative attention at the earliest opportunity, and such regulations will, I trust, be seasonably devised, as shall secure to the United States their just proportion of the navigation of the world. The most liberal policy towards other nations, if met by corresponding dispositions, will, in this respect, be found the most beneficial policy towards ourselves. But there is no subject that can enter with greater force and merit into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have sprung into existence, and attained an unparalleled maturity throughout the United States during the period of the European wars. This source of national independence and wealth I anxiously recommend to the prompt and constant guardianship of Congress.

The termination of the legislative sessions will soon separate you, fellow-citizens, from each other, and restore you to your constituents. I pray you to bear with you the expressions of my sanguine hope that the peace which has been just declared, will not only be the foundation of the most friendly intercourse between the United States and Great Britain, but that it will also be productive of happiness and harmony in every section of our beloved country. The influence of your precept and example must be everywhere powerful, and while we accord in grateful acknowledgments for the protection which Providence has bestowed upon us, let us never cease to inculcate obedience to the laws, and fidelity to the Union, as constituting the palladium of the national independence and prosperity.

JAMES MADISON.

WASHINGTON, February 13, 1815.

A.

The Secretary of State to the American Plenipotentiaries.

DEPARTMENT OF STATE,
March 22, 1814.

GENTLEMEN: Should a treaty be concluded with Great Britain, and a reciprocal restitution of territory be agreed on, you will have it in recollection that the United States had in their possession, at the commencement of the war, a post at the mouth of the river Columbia, which commanded the river, which ought to be comprised in the stipulation, should the possession have been wrested from us during the war. On no pretext can the British Government set up a claim to territory south of the northern boundary of the United States. It is not believed that they have any claim whatever to territory on the Pacific ocean. You will, however, be careful, should a definition of boundary be attempted, not to countenance, in any manner, or in any quarter, a pretension in the British Government to territory south of that line.

I have the honor to be, your obedient servant,
JAMES MONROE.

Secretary of State.

B.

The Secretary of State to the American Commissioners at Ghent.

DEPARTMENT OF STATE, Oct. 19, 1814.

GENTLEMEN: I have the honor to inform you that your despatches by the John Adams have been received, and that your determination to reject the terms proposed by the British Commissioners is entirely approved by the President.

The importance of these despatches, and the great probability of your negotiation having been brought to a close, induced the President to determine on laying them before Congress immediately. This has been done, and there is every reason to believe that they are producing the best effect, in uniting all parties in a determined resistance to the extravagant pretensions of the enemy. It has also been judged proper to communicate to Congress so much of the instructions given to you by this Department as would show the terms on which you were authorized to make peace.

These, as well as your communications, have been printed, and several copies are now forwarded to you, as it is believed they may be usefully disposed of in Europe.

Should any circumstance have unexpectedly prolonged the negotiation, which it is inferred from your despatches will have been finally closed, and you find the British Commissioners disposed to agree to the *status ante bellum*, you will understand that you are authorized to make it the basis of a treaty.

I have the honor to be, with great respect, gentlemen, your obedient servant,

JAMES MONROE.

The American Plenipotentiaries to the Secretary of State.

GHENT, December 25, 1814.

SIR: We have the honor of transmitting herewith one of the three copies of the Treaty of Peace between Great Britain and the United States, signed last evening by the Plenipotentiaries of His Britannic Majesty and by us.

The papers, of which copies are likewise now forwarded, will exhibit to you so fully the progress of the negotiation since the departure of the Chauncey, that few additional remarks from us will be necessary. It may be proper for us, however, to state that, in the interval between the time when our first project of a treaty was sent to the British Plenipotentiaries and that when they communicated to us the answer to it, the despatches which we had sent by Mr. Dallas, and the instructions to us, which had been published in the United States, were republished in England. In declining to insist on the articles respecting impressment and indemnities, we made a formal declaration that the rights of both parties on the subject of seamen and the claims to indemnities for losses and damages sustained prior to the commencement of the war should not be affected or impaired by the omission in the treaty of a specific provision on these two subjects.

Relations with Great Britain.

From the time when the *projet* of the treaty presented by us was returned with the proposed alterations, it was apparent that, unless new pretensions on the part of Great Britain should be advanced, the only important differences remaining to be discussed were those relating to the mutual restoration of territory taken during the war, to the navigation of the Mississippi by British subjects, and to the right of the people of the United States to the fisheries within the British jurisdiction. Instead of a general restitution of captured territory, which we had proposed, the British Government at first wished to confine it to the territory taken by either party belonging to the other. On our objecting that this would make each party the judge whether territory taken did or did not belong to the other, and thereby occasion new disputes, they acknowledged it to be their object that each party should, until a decision had taken place with respect to the title, retain possession of all the territory claimed by both parties, which might have been taken by such party during the war. They proposed, however, to limit the exception from mutual restitution to the islands in the Bay of Passamaquoddy. As it had been on both sides admitted that the title to these islands was disputed, and as a method of settling amicably those disputes was provided for in the treaty, we had not expected that the British Government would adhere to the demand of retaining the temporary possession of those islands. We insisted, therefore, on their being included in the general restoration, until we had reason to believe that our further perseverance would have hazarded the conclusion of the peace itself. We finally consented, as an alternative preferable to the continuance of the war, to this exception, upon condition that it should not be understood as impairing in any manner the right of the United States to these islands. We also urged for a stipulation requiring an ultimate decision upon the title within a limited time; but to this we also found opposed an insuperable objection, and we were finally induced to accept in its stead a declaration of the British Plenipotentiaries, that no unnecessary delay of the decision should be interposed on the part of Great Britain.

At the first conference, on the 8th of August, the British Plenipotentiaries had notified to us that the British Government did not intend henceforth to allow to the people of the United States, without an equivalent, the liberties to fish and to dry and cure fish within the exclusive British jurisdiction, stipulated in their favor by the latter part of the third article of the Treaty of Peace of 1783. And in their note of the 19th of August, the British Plenipotentiaries had demanded a new stipulation, to secure to British subjects the right of navigating the Mississippi; a demand which, unless warranted by another article of that same treaty of 1783, we could not perceive that Great Britain had any colorable pretence for making. Our instructions had forbidden us to suffer our right to the fisheries to be brought into discussion, and had not authorized us to make any distinction in the several provisions of the third article

of the treaty of 1783, or between that article and any other of the same treaty. We had no equivalent to offer for a new recognition of our right to any part of the fisheries, and we had no power to grant any equivalent which might be asked for it by the British Government. We contended that the whole treaty of 1783 must be considered as one entire and permanent compact, not liable, like ordinary treaties, to be abrogated by a subsequent war between the parties to it; as an instrument recognising the rights and liberties enjoyed by the people of the United States as an independent nation, and containing the terms and conditions on which the two parts of one empire had mutually agreed, thenceforth, to constitute two distinct and separate nations. In consenting, by that treaty, that a part of the North American continent should remain subject to the British jurisdiction, the people of the United States had reserved to themselves the liberty, which they had ever before enjoyed, of fishing upon that part of its coasts, and of drying and curing fish upon the shores, and this reservation had been agreed to by the other contracting party. We saw not why this liberty, then no new grant, but the mere recognition of a prior right always enjoyed, should be forfeited by war, any more than any other of the rights of our national independence; or why we should need a new stipulation for its enjoyment more than we needed a new article to declare that the King of Great Britain treated with us as free, sovereign, and independent States. We stated this principle in general terms to the British Plenipotentiaries, in the note which we sent to them with our *projet* of the treaty, and we alleged it as the ground upon which no new stipulation was deemed by our Government necessary to secure to the people of the United States all the rights and liberties stipulated in their favor by the treaty of 1783. No reply to that part of our note was given by the British Plenipotentiaries, but, in returning our *projet* of a treaty, they added a clause to one of the articles, stipulating a right for British subjects to navigate the Mississippi. Without adverting to the ground of prior and immemorial usage, if the principle were just that the treaty of 1783, from its peculiar character, remained in force in all its parts, notwithstanding the war, no new stipulation was necessary to secure to the subjects of Great Britain the right of navigating the Mississippi, so far as that right was secured by the treaty of 1783, as, on the other hand, no stipulation was necessary to secure to the people of the United States the liberty to fish, and to dry and cure fish, within the exclusive jurisdiction of Great Britain. If they asked the navigation of the Mississippi as a new claim, they could not expect we should grant it without an equivalent; if they asked it because it had been granted in 1783, they must recognise the claim of the people of the United States to the liberty to fish and to dry and cure fish, in question. To place both points beyond all future controversy, a majority of us determined to offer to admit an article confirming both the rights, or we offered at the same time to be silent in the

Relations with Great Britain.

treaty upon both, and to leave out altogether the article defining the boundary from the Lake of the Woods westward. They finally agreed to this last proposal, but not until they had proposed an article stipulating for a future negotiation for an equivalent to be given by Great Britain for the navigation of the Mississippi, and by the United States for the liberty as to the fisheries within British jurisdiction. This article was unnecessary with regard to its professed object, since both Governments had it in their power, without it, to negotiate upon these subjects if they pleased. We rejected it, although its adoption would have secured the boundary of the forty-ninth degree of latitude west of the Lake of the Woods, because it would have been a formal abandonment, on our part, of our claim to the liberty as to the fisheries, recognised by the treaty of 1783.

You will perceive by the correspondence, that the ninth article was offered us as a *sine qua non* and an ultimatum. We accepted it, not without much hesitation, as the only alternative to a rupture of the negotiation, and with a perfect understanding that our Government was free to reject it, as we were not authorized to subscribe to it.

To guard against any accident which might happen in the transmission of a single copy of the treaty to the United States, the British Plenipotentiaries have consented to execute it in triplicate; and as the treaty with the British ratification may be exposed to the same danger, the times for the cessation of hostilities, the restoration of captures at sea, and the release of prisoners, have been fixed, not from the exchange of ratifications, but from the ratification on both sides, without alteration by either of the contracting parties. We consented to the introduction of this latter provision at the desire of the British Plenipotentiaries, who were willing to take a full, but were unwilling to incur the risk of a partial ratification, as the period from which the peace should be considered as concluded.

We are informed by them that Mr. Baker, their secretary, is to go out to America with the British ratification.

We have the honor to be, yours, &c.

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

The SECRETARY OF STATE
of the United States.

No. 1.

The American to the British Plenipotentiaries.

Ghent, November 10, 1814.

The undersigned have the honor to acknowledge the receipt of the note addressed to them by His Britannic Majesty's Plenipotentiaries on the 31st ultimo.

The undersigned had considered an interchange of the *projet* of a treaty as the course best calculated to exclude useless and desultory discussion, to confine the attention of both

parties to the precise objects to be adjusted between the two nations, and to hasten the conclusion of the peace so desirable to both. Finding in the note of the British Plenipotentiaries of the 21st ultimo a mere reference to the points proposed by them in the first conference, with the offer of assuming the basis of *uti possidetis*, on which the undersigned had, in substance, already declined to treat, they did not consider it as the *projet* of a treaty, presented in compliance with their request. They proposed, in their note of the 24th ultimo, that the exchange of the two *projets* should be made at the same time. And it is not without some surprise that the undersigned observe in the note to which they now have the honor of replying, that the British Plenipotentiaries consider their note of the 21st ultimo as containing the *projet* of a treaty, to which the undersigned are supposed to be pledged to return a *contre projet*.

Believing that where both parties are sincerely desirous of bringing a negotiation to a happy termination, the advantage of giving or of receiving the first draught is not of a magnitude to be made a subject of controversy, and convinced that their Government is too sincerely desirous of that auspicious result to approve of its being delayed for a moment upon any question of etiquette, the undersigned have the honor to enclose herewith the *projet* of a treaty, accompanied with some observations upon several of the articles, which may more fully elucidate their objects in proposing them.

The British Plenipotentiaries stated in their last note that they had no other propositions to offer, nor other demands to make, than those contained in their note of the 21st ultimo, which, with the reference to their former declaration respecting the fisheries, contains only two propositions, viz: that of fixing the boundary from the Lake of the Woods to the Mississippi; and that of adopting, with respect to the other boundaries, the basis of *uti possidetis*.

In answer to the declaration made by the British Plenipotentiaries respecting the fisheries, the undersigned, referring to what passed in the conference of the 9th of August, can only state that they are not authorized to bring into discussion any of the rights or liberties which the United States have heretofore enjoyed in relation thereto. From their nature, and from the peculiar character of the treaty of 1783, by which they were recognised, no further stipulation has been deemed necessary by the Government of the United States to entitle them to the full enjoyment of all of them.

The undersigned have already, in their last note, explicitly declined treating on the basis of *uti possidetis*. They cannot agree to any other principle than that of a mutual restoration of territory, and have accordingly prepared an article founded on that basis. They are willing even to extend the same principle to the other objects in dispute between the two nations; and in proposing all the other articles included in this *projet*, they wish to be distinctly understood that they

Relations with Great Britain.

are ready to sign a treaty placing the two countries, in respect to all the subjects of difference between them, in the same state they were in at the commencement of the present war; reserving to each party all its rights, and leaving whatever may remain of controversy between them for future and pacific negotiation.

The British Plenipotentiaries having, in their note of the 4th of September, communicated the disposition of their Government to receive favorably a proposition which should acknowledge the boundary from the Lake of the Woods to the Mississippi, or to discuss any other line of boundary which might be submitted for consideration, the undersigned answered, that, as soon as the proposition of Indian boundary should be disposed of, they would have no objection, with the explanation given by the British Plenipotentiaries, to discuss the subject.

The Government of the United States had, prior to the acquisition of Louisiana, been disposed to agree to the boundary from the Lake of the Woods to the Mississippi, from a wish, not only to arrange that subject, but also to settle, in a definitive manner, the differences respecting the boundary and islands in the bay of Passamaquoddy; and its assent to the proposed stipulation of that boundary was refused, on account of the acquisition of Louisiana, the boundaries of which might have been affected by it. The undersigned cannot agree to fix the boundary in that quarter, unless that of Louisiana be also provided for in the arrangement. They accordingly submit for consideration the article on that subject, which appears to have been agreed on between the British and American Commissioners in the *projet* of convention of the year 1807.

In respect to the intended revision of the other boundaries between the British and American territories, with the view to prevent future uncertainty and dispute, the undersigned propose the reference of the whole subject to Commissioners; and they present, accordingly, five articles, drawn on the principle formerly adopted by the two Powers for settling the question respecting the river St. Croix.

The article already agreed on respecting the Indian pacification is included in the *projet* of the undersigned. In conformity with their former suggestions, they offer another, intended to restrain the hostilities, and to prevent the employment of the savages in war, and one reciprocally granting a general amnesty. The only other subjects which had been presented by the undersigned as suitable for discussion, were those respecting seamen, blockades, and indemnities.

Keeping in view the declarations made by Lord Castlereagh, in his note of the 29th of August, 1812, to Mr. Russell, and in his letter of the 4th of November, 1813, to Mr. Monroe, the undersigned propose only a temporary article, intended, without affecting the rights or pretensions of either country, to attempt to accomplish, by means less liable to vexation, the object for which impressment has hitherto been thought necessary by Great Britain. The proposed agreement be-

ing purely conditional, and limited in duration, each party will be bound only so far and so long as the other shall fulfil its conditions, and at the end of the term fixed for the duration of the article, or whenever either party may fail to perform his engagement, the rights of both will be as valid and entire as they were before the agreement.

The article respecting blockades is believed to be in perfect conformity with the principles of the law of nations, as acknowledged by both nations. The definition is borrowed from the treaty of 1801, between Great Britain and Russia, and the residue of the article from the unratified treaty of 1806, between Great Britain and the United States.

That relating to indemnities consists of two parts; the first for irregular seizures, captures, and condemnations, of American property, contrary to the established laws and usages of nations, previous to the commencement of the war; and the second, for similar irregularities, committed during the war, and contrary to the known and established usages of war between civilized nations. The cases of the first apply exclusively to claims of the citizens of the United States, because the causes for such claims were then confined, by the relative situation of the parties, to one side. It is presumed that the British Government will itself be sensible of the justice of making indemnity for injuries committed by its officers, in violation of principles avowed and recognised by itself, particularly in the letter from Lord Hawkesbury to Mr. King of the 11th of April, 1801; and in that from Mr. Merry to Mr. Madison of the 12th of April, 1804; and that the same justice will be admitted in cases where the territorial jurisdiction of the United States was violated; and where the injury was occasioned by the retrospective effects of the British Orders in Council of June, 1803, as to the return from contraband voyages, and of the Orders in Council of January 7, 1807.

With regard to the Orders in Council of November, 1803, and of April, 1809, the undersigned will observe, that these orders having been issued solely on the ground of retaliation against France, and their object having altogether ceased, it is just to indemnify the citizens of the United States for losses now experienced by the effect of measures intended to operate against the enemy of Great Britain, and which fell almost exclusively on a country which was no party to the war. The United States have never ceased, and at this time continue to demand from France, indemnity for the losses they have experienced by the effect of the decrees of her Government, in violation of the law of nations.

The cases of the second part of this article apply equally to both belligerent parties. They have been, during the war, subjects of crimination on both sides. The American Government can give no stronger and more signal proof of its disapprobation of every departure, under color of its authority, from the established usages of legitimate warfare between civilized nations, than by the offer of mutual reparation.

Relations with Great Britain.

The article fixing a limitation for captures at sea does not seem to require any comment.

The undersigned present their entire *projet* in this specific form, with the full expectation of receiving from the British Plenipotentiaries their explicit answer respecting all the articles embraced in it, and a *projet* also reduced to specific propositions and embracing all the objects which they intend to bring forward.

The undersigned renew to the British Plenipotentiaries the assurances of their high consideration.

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

To the **PLENIPOTENTIARIES** of *His Britannic Majesty, &c.*

No. 2.

Copy of a projet of a Treaty of Peace submitted by the American to the British Plenipotentiaries at Ghent, on the 10th day of November, 1814, and of the alterations and propositions made by the latter in the margin of the said projet, returned by them to the American Plenipotentiaries.

TREATY OF PEACE AND AMITY BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA.

His Britannic Majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding between them, have, for that purpose, appointed their respective plenipotentiaries, that is to say, His Britannic Majesty, on his part, has appointed the Right Honorable James Lord Gambier, Admiral of the White Squadron of His Majesty's fleet; Henry Goulburn, Esq., a member of the Imperial Parliament, and Under Secretary of State, and William Adams, Esquire, Doctor of Civil Laws; and the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States, who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

ARTICLE 1.

There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of (1) persons or places. All hostilities, both by sea and land, shall immediately cease; (2) all prisoners on both sides shall be set at liberty.* All territory, places, and possessions, without exception, taken by (3) either party from (4) the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay and without causing any destruction, or carrying away any artillery or other public property, or any slaves (5) or other private property; (6) and all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be (7) forthwith restored, and delivered to the proper authorities and persons to whom they respectively belong.

ARTICLE 2.

Immediately after the respective ratifications of this treaty, (2) orders shall be sent to the armies, squadrons, officers, subjects, and citizens of the two Powers, to cease from all hostilities; and to prevent all causes of complaint which might arise on account of the

British Alterations.

The following marginal remarks and alterations were made and proposed by the British Plenipotentiaries.

Note.—It is proposed to omit altogether the words that are underlined.

- (1) Places or
- (2) after the exchange of the ratifications as hereafter mentioned.

* It is thought more advisable that the provision respecting prisoners of war should be the subject of a separate article. The draught of an article on this subject is subjoined.

- (3) belonging to
- (4) and taken by
- (5) of the
- (6) originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty.
- (7) as far as may be practicable.

- (2) shall be exchanged.

Relations with Great Britain.

prizes which may be taken at sea, after the (3) signing of this treaty, it is reciprocally agreed that the vessels and effects which may be taken in the channel, and in the North seas after the space of —, from (1) that of the signature hereof, shall be restored on each side; that the term shall be —, from the channel and the North seas to the Canary islands inclusively, (2) whether in the ocean or the Mediterranean, of — from the said Canary islands to the equinoctial line, or Equator, and of — in all other parts of the world without exception.

ARTICLE 3.

Whereas that portion of the boundary between the dominions of His Britannic Majesty in North America and those of the United States, from the mouth of the river St. Croix (as the said mouth was ascertained by the Commissioners appointed for that purpose,) to the Bay of Fundy, has not yet been regulated and determined; and whereas the respective rights and claims of His Britannic Majesty and of the United States to the several islands in the Bay of Passamaquoddy and to the island of Grand Menan, have never been finally adjusted and determined, the said islands being claimed on the part of the United States as lying within twenty leagues of their shores, and south of a line drawn due east from the mouth of the river St. Croix: and on the part of His Britannic Majesty as having been, at or before the former treaty of peace between the two countries, within the limits of the province of Nova Scotia. In order, therefore, finally to decide these several questions, it is agreed that they shall be referred to three Commissioners, to be appointed in the following manner, viz: one Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two Commissioners shall have power to choose a third; and, if they cannot agree, they shall each propose one person; and of the two names so proposed one shall be drawn by lot, in the presence of the two original Commissioners. And the three Commissioners so appointed shall be sworn impartially to examine and decide the said questions, according to such evidence as shall respectively be laid before them, on the part of the British Government and of the United States. The said Commissioners shall meet at —, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners, or a majority of them, shall, by a declaration under their hands and seals, determine the boundary aforesaid, from the mouth of the river St. Croix to the Bay of Fundy, and decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the former treaty of peace. And both parties agree to consider such decision as final and conclusive.

(3) exchange of ratifications.

(1) the period of the exchange of the ratifications.

(2) The same term of — for all parts of the Mediterranean.

ARTICLE 3.

Whereas it was stipulated by the second article in the Treaty of Peace of 1783, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend "all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic ocean, excepting such islands as now or heretofore have been within the limits of Nova Scotia." And whereas claims have been made by the Government of the United States to certain islands in the Bay of Fundy, which said islands are claimed as belonging to His Britannic Majesty, as having been at the time and previous to the aforesaid Treaty of 1783, within the limits of the province of Nova Scotia. In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two Commissioners to be appointed in the following manner, viz: one Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims, according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States, respectively. The said Commissioners shall meet at —, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said Treaty of Peace of 1783; and if the said Commissioners shall agree in their decision, both parties shall consider such decision final and conclusive.

It is further agreed that, in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing or declining, or wilfully omitting to act as such, they shall make, jointly or separately, a report or reports, as well to the Government of His Britannic Majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one Commissioner, together with the grounds upon which the

Relations with Great Britain.

ARTICLE 4.

Whereas, neither that point of the Highlands, lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two Powers, as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut river, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers, which extends from the source of the river St. Croix, directly, north to the above-mentioned north-west angle of Nova Scotia, thence along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river to the forty-fifth degree of north latitude, thence by a line due west on said latitude, until it strikes the river Iroquois, or Cataraguay, has not yet been surveyed; it is agreed that for these several purposes (1) three Commissioners shall be appointed, sworn, (*mutatis mutandis*,) and authorized to act exactly in the manner directed, with respect to those mentioned in the next preceding article. (2) The said Commissioners shall meet at —, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners, or a majority of them, shall have power to ascertain and determine the points abovementioned, in conformity with the provisions of the said treaty of peace, (3) and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois, or Cataraguay, to be surveyed and marked according to the said provisions. The said Commissioners, or a majority of them, shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the north-west angle of Nova Scotia, of the northwesternmost head of Connecticut river, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary, (4)

ARTICLE 5.

Whereas, by the former Treaty of Peace, that portion of the boundary of the United States, from the point where the forty-fifth degree of north latitude strikes the river Iroquois, or Cataraguay, to the Lake Superior was declared to be, "Along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence, along the middle of said communication, into Lake Erie, through the middle of said

other Commissioner shall have so refused, declined, or omitted to act, as the case may be. And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly Sovereign or State, together with the report of such other Commissioner, then such Sovereign or State shall decide *ex parte* upon the said report alone, and His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly Sovereign or State to be final and conclusive on all the matters so referred.

ARTICLE 4.

- (1) Two
- (2) unless otherwise specified in the present article.

(3) 1783

(4) And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly Sovereign or State, shall be made in all respects as in the latter part of the third article is contained, and in as full a manner as if the same was herein repeated.

ARTICLE 5.

Relations with Great Britain.

lake, until it arrives at the water communication into the Lake Huron; thence, through the middle of said lake to the water communication between that lake and Lake Superior." And whereas doubts have arisen what was the middle of said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these *questions*, (1) they shall be referred to (2) *three* Commissioners, to be appointed, sworn, (*mutatis mutandis*) and authorized to act, exactly in the manner directed with respect to those mentioned in the next preceding article. (3) The said Commissioners shall meet, in the first instance, at —, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners, or a majority of them, shall, by a (4) declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the (5) *former Treaty of Peace*. And both parties agree to consider such (6) decision as final and conclusive. (7)

ARTICLE 6.

It is further agreed, that the said (1) last mentioned Commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they, or a majority of them, are hereby, authorized, upon their oaths, impartially to fix and determine, according to the true intent of the said *former* (2) *Treaty of Peace*, that part of the boundary between the dominions of the two Powers, which extends from the water communication between Lake Huron and Lake Superior to the most northwestern point of the Lake of the Woods; to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said *former Treaty of Peace*, (3) and to cause such parts of the said boundary as require it to be surveyed and marked. The said Commissioners, or a majority of them, shall, by a (4) declaration under their hands and seals, designate the boundary aforesaid, state their decisions on the (5) *questions* thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other (6) *points* on the said boundary as they may deem proper. And both parties agree to consider such (7) decision as final and conclusive. (8)

ARTICLE 7.

The several Boards of (1) Commissioners mentioned in the four preceding articles shall, respectively, have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of (2) their respective (3) declarations (4) and decisions of the *statement* (5) of their accounts and of the journal of their proceedings, shall be delivered by them to the agents of His Britannic Majesty, and the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective Governments. The said Commissioners shall be respectively paid in such manner as shall be agreed between the two (6) parties, such

(1) doubts (2) two

(3) unless otherwise specified in this present article.

(4) report or

(5) said treaty of 1783.

(6) designation and

(7) And in the event of the said two Commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly Sovereign or State shall be made, in all respects, as in the latter part of the third article is contained, and in as full a manner as if the same was herein repeated.

ARTICLE 6.

(1) two

(2) of 1783

(3) of 1783

(4) report or

(5) points

(6) parts of

(7) designation and

(8) And in the event of the said two Commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly Sovereign or State shall be made, in all respects, as in the latter part of the third article is contained, and in as full a manner as if the same was herein repeated.

ARTICLE 7.

(1) two

(2) all (3) reports (4) statements (5) and

(6) contracting

Relations with Great Britain.

agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed (7) jointly by the two parties, *the same being previously ascertained and allowed by the majority of the Commissioners.* And in the case of death, sickness, resignation, or necessary absence, the place of every such Commissioner, respectively, shall be supplied in the same manner as such Commissioner was first appointed; and the new Commissioner shall take the same oath or affirmation, and do the same duties.

It is further agreed between the two (8) parties, that in case any of the islands mentioned in any of the preceding articles which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the Boards of Commissioners aforesaid, (9) fall within the dominions of the other party, all grants of land made previous to that time by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

(7) equally

(8) contracting

(9) or of the Sovereign or State so referred to, as in many of the preceding articles contained.

ARTICLE 8.

It is agreed that a line drawn due north or south, (as the case may be,) from the most northwestern point of the Lake of the Woods, until it shall intersect the forty-ninth parallel of north latitude, and from the point of such intersection, due west along and with the said parallel, shall be the dividing line between His Majesty's territories and those of the United States to the westward of the said lake, as far as the said respective territories extend in that quarter, and that the said line shall to that extent form the southern boundary of His Majesty's said territories, and the northern boundary of the said territories of the United States: Provided, that nothing in the present article shall be construed to extend to the northwest coast of America, or to the territories belonging to, or claimed by, either party on the continent of America to the westward of the Stony Mountains.

ARTICLE 8.

It is agreed that a line drawn due west from the Lake of the Woods, along forty-ninth parallel of north latitude, shall be the line of demarcation between His Britannic Majesty's territories and those of the United States to the westward of the said lake, so far as the territories of the United States extend in that quarter; and the said line shall, to that extent, form the southern boundary of His Britannic Majesty's territories, and the northern boundary of the territories of the United States. It being always distinctly understood, that nothing in the present article shall be construed to extend to the northwest coast of America, or to territories belonging to, or claimed by, either party on the continent of America westward of the Stony Mountains; (and it is further agreed the subjects of His Britannic Majesty shall at all times have access) from His Britannic Majesty's territories, by land or inland navigation, into the aforesaid territories of the United States to the river Mississippi, with their goods, effects, and merchandise, and that His Britannic Majesty's subjects shall have and enjoy the free navigation of the said river.

ARTICLE 9.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights, and privileges, which they may have enjoyed or been entitled to, in 1811, previous to such hostilities.

Provided, always, That such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

And His Britannic Majesty engages on his part to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions,

ARTICLE 9.

Approved.

Relations with Great Britain.

rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities.

Provided, always, That such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ARTICLE 10.

His Britannic Majesty and the United States shall, by all the means in their power, restrain the Indians living within their respective dominions from committing hostilities against the territory, citizens, or subjects of the other party. And both Powers also agree, and mutually pledge themselves, if at any time war should unhappily break out between them, not to employ any Indians, nor to admit of their aid and co-operation in the prosecution of the war against the other party.

ARTICLE 10.

Inadmissible.

ARTICLE 11.

Each party shall effectually exclude from its naval and commercial service all seamen, seafaring or other persons, subjects or citizens of the other party, not naturalized by the respective Governments of the two parties before the — day of —.

Seamen or other persons, subjects of either party, who shall desert from public or private ships or vessels, shall, when found within the jurisdiction of either party, be surrendered, provided they be demanded within — from the time of their desertion.

No person whatever shall, upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship or vessel belonging to the subjects or citizens of one of the parties, by the public or private armed ships or vessels belonging to, or in the service of the other, unless such person be at the time in the actual employment of an enemy of such other party.

This article shall continue in force for the term of — years. Nothing in this article contained shall be construed thereafter to affect or impair the rights of either party.

ARTICLE 11.

Inadmissible.

ARTICLE 12.

If either of the contracting parties shall hereafter be engaged in war against any third Power, to which war the other of the parties shall remain neutral, it is agreed that every vessel of the neutral party, sailing for a port or place belonging to the enemy of the belligerent, without knowing that the same is besieged, blockaded, or invested, may be turned away from such port or place, but shall not be detained, nor her cargo, if not contraband, be confiscated, unless, after such notice, she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the proprietors thereof; and in order to determine what characterizes a blockaded port, that denomination is given only to a port where there is, by the disposition of the Power which attacks it with ships stationary or sufficiently near, an evident danger in entering.

ARTICLE 12.

Inadmissible.

ARTICLE 13.

It is agreed that indemnity shall be made by His Britannic Majesty to the citizens of the United States

ARTICLE 13.

Relations with Great Britain.

for all losses and damage sustained by them during the late war between Great Britain and France, and prior to the commencement of the present war, by reason of irregular or illegal captures, seizures, or condemnations of vessels and other property, under color of authority, contrary to the known and established rules of the law of nations.

And it is also agreed, that indemnity shall be made by each of the contracting parties to the subjects or citizens of the other party, for all losses and damages sustained subsequent to the commencement of the present war, by reason of the seizure or condemnation of the vessels or cargoes belonging to the subjects or citizens of the one party, which, in the ordinary course of commerce, happened, at the commencement of hostilities, to be in the ports of the other party, and by reason of the destruction of unfortified towns, and the pillage or destruction of private property, and the enticement and carrying away of negroes, contrary to the known and established rules and usages of war between civilized nations.

It is agreed that, for the purpose of determining the indemnities due by each contracting party, in conformity with the provisions of this article, Commissioners shall be appointed in the following manner, viz: one Commissioner shall be named by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two Commissioners shall agree in the choice of a third; or, if they cannot agree, they shall each propose one person, and of the two names so proposed one shall be taken by lot, in the presence of the two original Commissioners, and the three Commissioners thus appointed shall be sworn, and authorized, and empowered, impartially to examine into all such claims and complaints, and to determine the indemnities which may be justly due for the same.

The said Commissioners shall meet at —, and shall have power to adjourn to such other place or places as they shall think fit; they shall also have power to appoint a secretary, swear and examine witnesses, and have all assistance and facilities necessary to effect the object of their appointment.

The award of the said Commissioners, or a majority of them, shall in all cases be final and conclusive, both as to the justice of the claim, and as to the amount of the sum to be paid to the claimant and claimants.

And His Britannic Majesty and the United States agree and undertake to cause the sums so awarded to be due by them respectively, to be paid in specie to such claimant and claimants without deduction, and at such place or places, time or times, as shall be awarded by the Commissioners.

ARTICLE 14.

It is also agreed; that no person or persons residing within the dominions of one of the parties, who may have taken part with the other party in the war between Great Britain and the United States, shall, on that account, be prosecuted, molested, or annoyed, either in his person or property, and that all such persons disposed to remove into the dominions of the other party, shall be allowed the term of — months freely to sell their property, of every nature and description whatever, and to remove accordingly

Inadmissible.

ARTICLE 14.

Inadmissible.

Relations with Great Britain.

ARTICLE 15.

This Treaty, when the same shall have been ratified on both sides, and the *respective* ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at (1) — in the space of — months from this day, or sooner if possible. (2).

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have thereunto affixed our seals.

Done at Ghent, this — day of —, one thousand eight hundred and fourteen.

Draught of article to be inserted immediately after article 2 of the American projet.

All prisoners of war, taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this Treaty shall have been exchanged, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge in specie the advances which may have been made by the other, for the sustenance and maintenance of such prisoners.

True copy of the *projet* submitted by the American to the British Ministers; and also of the marginal changes, propositions, and remarks, made by the latter on returning their answer to the American Ministers' note communicating said *projet* of a Treaty.

CHRISTOPHER HUGHES, Jr.,
Secretary of American Mission Extraordinary.

No. 3.

The British to the American Ministers.

GHENT, November 26, 1814.

The undersigned have had the honor to receive the note and *projet* of a Treaty of Peace, presented by the American Plenipotentiaries on the 10th instant.

The undersigned are of opinion that the most convenient course for them to adopt will be to return this *projet*, with their marginal alterations and suggestions on the several articles of which it is composed. The existing differences between the two Governments will thus be brought more immediately in view, and it is hoped that, by confining the discussions to one *projet*, the negotiations may sooner be brought to a favorable conclusion. The first part of the tenth article appears to be unnecessary, and the stipulation contained in the whole of it altogether inadmissible. Though His Majesty's Government sincerely hopes that a renewal of the war between His Majesty and the United States may be far distant, yet the undersigned cannot consent to enter into any engagement as to what shall be the conduct of their Government if such a war should unfortunately occur.

With respect to the eleventh and twelfth articles, His Majesty's Government has strongly manifested its sincere disposition to the speedy restoration of peace, by agreeing, under all the present circumstances, to conclude the treaty without any stipulation on the points to which these articles relate. No advantage can arise from entering into discussions, upon a successful result of which the American Plenipotentiaries

have stated more than once that they will not make the conclusion of the peace at all to depend.

With respect to the thirteenth article, the indemnifications proposed by it, as applied to the actual circumstances of the war, are so unprecedented and objectionable, that any further perseverance of the American Plenipotentiaries in requiring them is not anticipated by the undersigned: if, however, contrary to expectation, indemnifications of this kind should be required, all hope of bringing the negotiations to a favorable issue must prove abortive. The undersigned are instructed explicitly to declare that as their Government makes no claim on account of losses sustained by British subjects arising out of a war declared by the United States, so neither can their Government agree to make compensation for losses sustained in such a war by the American people.

The undersigned are, however, willing to agree to a stipulation by which it shall be provided that the courts of justice in each country shall be open to the just demands of the respective people, and that no obstruction be thrown in the way of their recovery of the rights, claims, or debts of any kind, respectively due or belonging to them.

With respect to the fourteenth article, the undersigned do not concur in the necessity for any such stipulation as is there proposed.

The undersigned think proper to add that, with respect to the particular alterations suggested by them in various articles of the *projet*, they are ready to enter into such explanations as may be required of them, with the sincere desire of endeavoring to reconcile the pretensions brought

Relations with Great Britain.

forward on the part of their respective Governments.

The undersigned have forborne to insist upon the basis of *uti possidetis*, to the advantage of which they consider their country fully entitled. But should this negotiation terminate in a way contrary to their hopes and just expectations, they must protest against any claim or demand being urged by the American Government in any future negotiation, in consequence of the facilities which His Majesty's Government have now shown themselves willing to afford to the speedy restoration of peace.

The undersigned avail themselves of the present opportunity to renew to the Plenipotentiaries of the United States the assurances of their high consideration.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

No. 4.

The American to the British Ministers.

GHEHT, November 30, 1814.

The undersigned have had the honor to receive the note of the British Plenipotentiaries of the 26th instant, together with their marginal alterations and suggestions on the several articles of the *projet* of a treaty of peace proposed by the undersigned.

The undersigned consent that the day of the exchange of the ratifications be substituted to that of the signature of the treaty at the time for the cessation of hostilities, and for regulating the periods after which prizes at sea shall be restored: it being understood that measures shall be adopted for a speedy exchange of ratifications, and that the periods in the second article shall be fixed in a manner corresponding with this alteration.

The undersigned will also agree to the new article respecting prisoners, and to the mode of reference proposed by the British Plenipotentiaries in the third, fourth, fifth, sixth, and seventh articles, instead of that which had been proposed by the undersigned. But in order to prevent delay, they will suggest that a time be fixed within which the Commissioners shall make their decisions and reports.

They will decline insisting upon the tenth, twelfth, and fourteenth articles, and upon so much of the thirteenth article as relates to indemnities for losses and damages sustained subsequent to the commencement of the present war. They wish to discuss the cases of vessels and property in port when war was declared or known; and have the honor to enclose a copy of the provision made in that respect by the United States. They will also waive the residue of that (the thirteenth) article, and the eleventh article, it being understood that the rights of both Powers on the subject of seamen, and the claims of the citizens and subjects of the two contracting parties to indemnities for losses and damages sustained prior to the commencement of the war, shall not be affected or impaired by the omission in the treaty of

any specific provision with respect to those two subjects.

In forbearing to insist upon the discussion of subjects deeply involving interests important to their country, and upon which the undersigned view the proposals offered by them for consideration as founded on principles the most moderate and conciliatory, they give the strongest evidence of the anxious wish of their Government that the negotiation should be brought to a happy issue.

Sincerely participating in the desire expressed by the British Plenipotentiaries of endeavoring to reconcile the pretensions of both Governments, on the few subjects remaining for discussion, the undersigned have also assented to most of the alterations proposed by the British Plenipotentiaries to those parts of the *projet* which they have not entirely rejected. To some of these alterations the undersigned are compelled, by their duty, to object. They have already stated, and now repeat, that, whilst requiring of Great Britain no sacrifice whatever, the Government of the United States has not authorized the undersigned to agree to any stipulation involving any cession of territory, or the dereliction of any of the essential rights of the people of the United States.

The objections of the undersigned are to one of the alterations suggested by the British Plenipotentiaries in the first article; to some parts of the preamble of the third article, and to the eighth article; and they have also some other verbal alterations to suggest. They request a conference, at such time and place as may suit the British Plenipotentiaries, for the purpose of discussing those points, and of agreeing on the places and time left in blank in several of the articles.

The undersigned renew to the British Plenipotentiaries the assurance of their high consideration.

JOHN QUINCY ADAMS,
JAMES A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

Extract of a law of the United States, passed July 6, 1812.

SEC. 6. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to give, at any time within six months after the passage of this act, passports for the safe transportation of any ship, or other property belonging to British subjects, and which is now within the limits of the United States.

No. 5.

The British to the American Ministers.

GHEHT, November 30, 1814.

The undersigned have the honor to acknowledge the receipt of the note addressed to them by the American Plenipotentiaries, and, in compliance with their request for a conference, shall be happy to receive them at the Chartreux to-morrow at 12 o'clock.

The undersigned request the American Pleni-

Relations with Great Britain.

potentiaries to accept the assurance of their high consideration.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

No. 6.

Protocol of a Conference held the 1st December, 1814, at Ghent.

At a conference held this day, the American Plenipotentiaries proposed the following alterations in their *projet*, as amended by the British Plenipotentiaries.

1st. In article 1, strike out the alteration consisting of the words "belonging to," and "taken by," and preserve the original reading, viz; "taken by either party from the other."

This alteration was objected to by the British Plenipotentiaries, and, after some discussion, reserved by them for the consideration of their Government.

2d. Transpose alteration consisting of the words "originally captured in the said ports or places, and which shall remain therein upon the exchange of the ratifications of this treaty," after the words "public property." Agreed to by the British Plenipotentiaries.

3d. Article 2d. The term to be fifteen days in the Channel, in the North seas, in all parts of the Atlantic ocean to the equinoctial line or equator, and in all parts of the Mediterranean. Two months in the Atlantic ocean to the latitude of Cape of Good Hope, and three months in all other parts of the world.

In lieu of this alteration, the British Plenipotentiaries proposed the following, viz: "That all vessels and effects, which may be taken after the space of twelve days from the period of the exchange of the said ratifications, and all parts of the coasts of North America, from the latitude of twenty-three degrees north, to the latitude of forty-seven degrees north, and as far eastward in the Atlantic ocean as the sixty-third degree of west longitude from the meridian of Greenwich, shall be restored on each side. That the time shall be thirty days in all other parts of the Atlantic ocean, as far eastward as the entrance of the British channel, and southward, as far as the equinoctial line or equator, and the same time for the Gulf of Mexico and all parts of the West Indies. Forty days for the British channel and the North seas. The same time for all parts of the Mediterranean, and one hundred and fifty days for all other parts of the world without exception." Which was reserved by the American Plenipotentiaries for consideration.

4th. Article 3d. After the words "all islands within twenty leagues of," insert "any part of," and substitute "points" for "point" after the words "to be drawn due east from the." Agreed to by the British Plenipotentiaries.

5th. Article 3. Strike out the words "whereas claims have been made by the Government of the United States to certain islands in the Bay of Fundy," and insert, "whereas the several islands

in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Great Menan, in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries." Agreed to by the British Plenipotentiaries.

6th. Article 7th. In the alteration consisting of the words "or of the Sovereign or State so referred, to as in many of the preceding articles contained," substitute "any" to "many."

Not insisted on, the British Plenipotentiaries consenting to substitute the words, "the four next," for the marginal words, "many of the."

7th. Articles 3, 4, 5, and 6, provide that the decision of the Commissioners shall be made within a limited time. Objected to by the British Plenipotentiaries.

8th. Article 8th. Substitute after the words "to the westward of the said lake so far as," the words "their said respective territories," instead of the words "the territories of the United States." Agreed to by the British Plenipotentiaries.

9th. Article 8th. Strike out from the words "and it is further agreed" to the end. Reserved by the British Plenipotentiaries for the consideration of their Government.

10th. The American Plenipotentiaries also proposed the following amendment to article 8th, viz: "The inhabitants of the United States shall continue to enjoy the liberty to take, dry, and cure fish in places within the exclusive jurisdiction of Great Britain, as secured by the former treaty of peace; and the navigation of the river Mississippi within the exclusive jurisdiction of the United States shall remain free and open to the subjects of Great Britain, in the manner secured by the said treaty; and it is further agreed, that the subjects of His Britannic Majesty shall, at all times, have access from such place as may be selected for that purpose in His Britannic Majesty's aforesaid territories, west, and within three hundred miles of the Lake of the Woods, in the aforesaid territories of the United States, to the river Mississippi, in order to enjoy the benefit of the navigation of that river with their goods, effects, and merchandise, whose importation into the said States shall not be entirely prohibited, on the payment of the same duties as would be payable on the importation of the same into the Atlantic ports of the said States, and on conforming with the usual custom house regulations."

This amendment was left with the British Plenipotentiaries for consideration.

The American Plenipotentiaries also intimated their willingness to omit article 8th altogether, if that course should appear more advisable to the British Plenipotentiaries.

The American Plenipotentiaries further proposed, in conformity with their note of November 30, indemnification for ships detained in British ports on the breaking out of the war, and afterwards condemned; which was resisted by the British Plenipotentiaries.

After much discussion on this point, the conference was adjourned.

CHRISTOPHER HUGHES, JUN.

*Relations with Great Britain.**Protocol of Conference on December 10, 1814.*

The protocol of the preceding conference held on the 1st instant was settled.

The British Plenipotentiaries stated that their Government could not consent or omit the words in article 1st, "belonging to either party and taken by the other," unless some modification should be introduced, either by excepting from mutual restitution all those territories which are made by any articles of the treaty the subject of reference to Commissioners, or by excepting the Passamaquoddy islands alone.—Received by the American Plenipotentiaries for consideration.

The British Plenipotentiaries then stated that, with respect to the 8th article, their Government offered in lieu of the American proposals to retain the amended article as far as the words, "Stony mountains," and insert the following stipulation: "His Britannic Majesty agrees to enter into negotiation with the United States of America, respecting the terms, conditions, and regulations under which the inhabitants of the said United States shall have the liberty of taking fish on certain parts of the coast of Newfoundland, and other of His Britannic Majesty's dominions in North America, and of drying and curing fish, in the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador; as stipulated in the latter part of the third article of the treaty of 1783, in consideration of a fair equivalent to be agreed upon between His Majesty and the said United States, and granted by the said United States, for such liberty as aforesaid."

"The United States of America agree to enter into negotiation with His Britannic Majesty respecting the terms, conditions, and regulations under which the navigation of the river Mississippi from its source to the ocean, as stipulated in the eighth article of the treaty of 1783, shall remain free and open to the subjects of Great Britain, in consideration of a fair equivalent, to be agreed upon between His Majesty and the United States, and granted by His Majesty."—Received by the American Plenipotentiaries for consideration.

In the 7th article the British Plenipotentiaries proposed after the words "all grants of land made previous to," to omit the words "to that time," and insert "previous to the commencement of the war;" so that the line would read, "all grants of land made previous to the commencement of the war."—Agreed to.

The British Plenipotentiaries proposed the insertion of the following article relative to the slave trade:

"Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed, that both the contracting parties shall exert every means in their power to accomplish so desirable an object."—Received for consideration.

The British Plenipotentiaries proposed the following provision:

"That the citizens or subjects of each of the contracting parties may reciprocally sue in the

courts of the other, and shall meet with no impediment to the recovery of all such estates, rights, properties or securities as may be due to them by the laws of the country in whose courts they shall sue."—Received for consideration.

The British Plenipotentiaries proposed in the preamble to the *projet* of the treaty, to omit the words "Admiral of the White squadron," and insert "late Admiral of the White, now Admiral of the Red" in lieu of them. Agreed to.

The American Plenipotentiaries stated that possibly doubts might arise as to the geographical accuracy of the words at the beginning of the eighth article, "a line drawn due west from the Lake of the Woods, along the forty-ninth parallel of north latitude."

It was agreed that an alteration should be made to guard against such possible inaccuracy.

The American Plenipotentiaries proposed the following alteration in the draught delivered to them by the British Plenipotentiaries, relative to the manner of filling up the blanks in article 2d; "extend the term of twelve days to fifty-six degrees north latitude, and to the thirty-sixth west longitude."

"Include the British and Irish channels in the term of thirty days. Include the Baltic in the term of forty days. Instead of the term one hundred and fifty days, insert sixty days for the Atlantic as far as the latitude of Cape of Good Hope; ninety days for every other part of the world south of the equator; one hundred and twenty days for all other parts of the world."

The conference then ended.

CHRISTOPHER HUGHES, JR.,
Secretary of American Mission.

Protocol of Conference on December 12, 1814.

The protocol of the preceding conference held on the 10th instant was settled.

After much discussion relative to the first and eighth articles, the conference ended by the American Plenipotentiaries undertaking to return an answer in writing to the propositions brought forward by the British Plenipotentiaries at the last conference.

C. HUGHES, JR.
Secretary of American Mission.

No. 7.

American Note, written after the Conference of the 12th December.

Ghent, December 14, 1814.

The undersigned having considered the propositions offered in the conference of the 10th instant by the British Plenipotentiaries on the few subjects which remain to be adjusted, now have the honor of making the communication which they promised.

The first of them relates to the mutual restoration of the territory taken by either party from the other during the war. In admitting this principle, which the undersigned had repeatedly declared to be the only one upon which they were authorized to treat, the British Plenipotentiaries

Relations with Great Britain.

had at first proposed an alteration in the article offered by the undersigned, limiting the stipulation of restoring territory taken during the war to territory belonging to the party from which it was taken. The objection of the undersigned to this alteration was, that a part of the territory thus taken being claimed by both parties, and made a subject of reference by the treaty, the alteration would leave it in the power of one party to judge whether any portion of territory taken by him during the war did or did not belong to the other party, laying thereby in the very instrument of pacification the foundation of an immediate understanding the moment that instrument should be carried into execution.

The British Plenipotentiaries have now proposed to omit the words originally offered by them, provided that the Passamaquoddy islands should alone be excepted from the mutual restitution of territory.

The consent of the undersigned to this solitary exception, if founded on the alleged right of Great Britain to those islands, might be construed as an implied admission of a better title on her part than on that of the United States, and would necessarily affect their claim. The only ground for the exception consists in the allegation of the British Plenipotentiaries, that Great Britain had, during some period subsequent to the treaty of peace of 1783, exercised jurisdiction over those islands, and that the United States had subsequently occupied them contrary to the remonstrances of the British Government, and before the question of title had been adjusted.

Under these considerations the undersigned, unwilling to prevent the conclusion of the Treaty of Peace, will take upon themselves the responsibility of agreeing to the exception proposed, with a provision that the claim of the United States shall not thereby in any manner be affected. The undersigned have accordingly prepared a clause to that effect, and which provides, also, that the temporary possession may not be converted into permanent occupancy. They had agreed to the alteration proposed by the British Plenipotentiaries in the mode of reference of the several boundaries and country in dispute, under the expectation that the proposed exception to a general restoration would not be insisted on; and they will add that the objection to the temporary possession by Great Britain of the Passamaquoddy islands would be considerably lessened by adopting a mode of reference, which would insure a speedy and certain decision.

To the stipulation now proposed by the British Plenipotentiaries as a substitute for the last paragraph of the eighth article, the undersigned cannot accede.

The proposition made respecting the navigation of the Mississippi, in the alteration first proposed by the British Plenipotentiaries to that article, was unexpected. In their note of the 31st of October they had stated that they had brought forward, in their note of the 21st of the same month, all the propositions which they had to offer; and that subject was not mentioned either in this last men-

tioned note, or in the first conference to which it referred. In order to obviate any difficulty arising from a presumed connexion between that subject and that of the boundary proposed by the eighth article, the undersigned expressed their willingness to omit the article altogether. For the purpose of meeting what they believed to be the wishes of the British Government, they proposed the insertion of an article which should recognise the right of Great Britain to the navigation of that river, and that of the United States to a liberty in certain fisheries, which the British Government considered as abrogated by the war. To such an article, which they viewed as merely declaratory, the undersigned had no objection, and have offered to accede. They do not, however, want any new article on either of those subjects; they have offered to be silent with regard to both. To the stipulation now proposed, or any other, abandoning, or implying the abandonment of any right in the fisheries claimed by the United States, they cannot subscribe. As a stipulation merely that the parties will hereafter negotiate concerning the subjects in question, it appears also unnecessary. Yet to an engagement, couched in general terms, so as to embrace all the subjects of difference not yet adjusted, or so expressed as to imply in no manner whatever an abandonment of any right claimed by the United States, the undersigned are ready to agree.

Since neither of the two additional articles proposed by the British Plenipotentiaries were included amongst, or is connected with, the subjects previously brought forward by them, it is presumed they are offered only for consideration, as embracing objects of common and equal interest to both parties. The undersigned will accede to the substance of the article to promote the abolition of the slave trade. They cannot admit the other article, which appears to them unnecessary; the courts of the United States will without it be equally open to the claims of British subjects, and they rely that without it the British courts will be equally open to the claims of the citizens of the United States.

The undersigned renew to the British Plenipotentiaries the assurance of their high consideration.

JOHN QUINCY ADAMS,
JAMES A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

To the PLENIPOTENTIARIES
of His Britannic Majesty, &c.

Such of the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the ——— article of this treaty. But if such decision shall not have taken place within ——— years after the exchange of the ratifications of this treaty, such islands shall be restored to, and, until such deci-

Relations with Great Britain.

sion may take place, shall be retained by, the party who had possession of the same at the commencement of the war. No disposition made by this treaty of the intermediate possession of the islands and territories claimed by both parties shall, in any manner whatever, be construed to affect the right of either.

No. 8.

The British to the American Ministers.

GHEENT, December 23, 1814.

The undersigned have had the honor to receive the note of the American Plenipotentiaries, dated on the 14th instant, stating their consent to except the Passamaquoddy islands from the mutual restitution of territory captured during the war, provided the claim of the United States shall not be in any manner affected thereby.

To the article proposed by the American Plenipotentiaries, so far as it is adapted to this object, the undersigned are willing to agree; but they object, as before intimated by them, to that part of the proposed article which would make it imperative on the Commissioners to decide the question within any fixed time, trusting that, on this head, the American Plenipotentiaries will be satisfied with their declaration, that it is the intention of His Majesty's Government to do all that belongs to them to obtain a decision without loss of time. The *projet* of the article subjoined will be found to omit the clause intended to enforce a decision within some limited time, and to contain a slight alteration in the third clause by substituting in the place of the words "intermediate possession" the words "as to such possession."

So far as regards the substitution proposed by the undersigned for the last clause of the eighth article, as it was offered solely with the hope of attaining the object of the amendment tendered by the American Plenipotentiaries at the conference of the 1st instant, no difficulty will be made in withdrawing it.

The undersigned, returning to the declaration made by them at the conference of the 8th August, that the privileges of fishing within the limits of the British sovereignty, and of using the British territories for purposes connected with the fisheries, were what Great Britain did not intend to grant without equivalent, are not desirous of introducing any article upon the subject.

With a view of removing what they consider as the only objection to the immediate conclusion of the treaty, the undersigned agree to adopt the proposal made by the American Plenipotentiaries at the conference of the 1st instant, and repeated in their last note, of omitting the eighth article altogether.

The undersigned avail themselves of the opportunity to renew to the Plenipotentiaries of the United States the assurance of their high consideration.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

[Referred to in the preceding note from the British Ministers.]

Such of the islands in the Bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty.

No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall, in any manner whatever, be construed to affect the right of either.

No. 9.

Protocol of Conference.

GHEENT, December 23, 1814.

At a conference held this day, the protocol of the preceding conference was settled.

The American Plenipotentiaries intimated their readiness to accede to the propositions contained in the note of the British Plenipotentiaries of the 22d instant.

The following alterations were then agreed to:

In the first article, after the word "cease," omit the words "after the exchange of the ratifications," and insert "as soon as the treaty shall have been ratified by both parties." Substitute the word "whatsoever" for the words "without exception." Restore the words "taken by either party from the other," in the room of the words "belonging to either party and taken by." After the words "signing of this treaty," insert the words "excepting only the islands hereinafter mentioned;" after the words "respectively belong," insert *verbatim* the words of the amendment enclosed in the note of the British Plenipotentiaries of the 23d instant, filling up the blank with the word "fourth."

The second article was altered, so as to read as follows:

ART. 2. Immediately after the ratification of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects, and citizens of the two Powers, to cease from all hostilities, and so prevent all causes of complaint which might arise on account of the prizes which may be taken at sea, after the said ratifications of this treaty. It is reciprocally agreed, that all vessels and effects, which may be taken after the space of twelve days from the said ratifications upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic ocean as the thirty-sixth degree of west longitude, from the meridian of Greenwich, shall be restored on each side: that the time shall be thirty days in all other parts of the Atlantic ocean north of the equinoctial line or equator, and the same time for the British and Irish channels, for the Gulf of Mexico, and all parts of the West Indies; forty days for the North seas, for the Baltic, and for all parts of the Mediterranean; sixty days for

Relations with Great Britain.

the Atlantic ocean, south of the equator, as far as the Cape of Good Hope; ninety days for every other part of the world, south of the equator, and one hundred and twenty days for all other parts of the world, without exception.

It was agreed that the article respecting prisoners of war, should be the third article, and that the words "as hereinafter mentioned," should be substituted for the words "shall have been exchanged."

The articles numbered in the original *projet* 3, 4, 5, 6, 7, to be respectively numbered 4, 5, 6, 7, 8.

In the fourth article, it was agreed that the blank should be filled up with the words "St. Andrews, in the province of New Brunswick."

In the fifth article, it was agreed that the blank should be filled up with the words "St. Andrews, in the province of New Brunswick."

Near the end of the fifth article, substitute the word "fourth" for "third."

In the sixth article, it was agreed to fill up the blank with the words "Albany, in the State of New York," and to substitute the word "fourth" for "third," in the concluding paragraph.

In the seventh article, substitute the word "fourth" for "third," in the last paragraph.

It was agreed that the article respecting the African slave trade, should be the tenth article, and that the words "use their best endeavors" should be substituted for the words "exert every means in their power."

The fifteenth article of the *projet* to be numbered 11: it was agreed to insert in it, after the words "on both sides," the words "without alteration by either of the contracting parties."

Omit the words "with all practicable despatch;" fill up the blank with the word "four;" insert after the word "done" the words "in triplicate." The British Plenipotentiaries urged the article formally proposed by them, as to suits of law to be prosecuted by the citizens or subjects of one nation in the courts of justice of the other.

Resisted by the American Plenipotentiaries.

The conference was adjourned to the 24th instant, for the purpose of signing the treaty.

Treaty of Peace and Amity between His Britannic Majesty and the United States of America.

His Britannic Majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding between them, have for that purpose appointed their respective Plenipotentiaries; that is to say, His Britannic Majesty, on his part, has appointed the right honorable James Lord Gambier, late Admiral of the White, now Admiral of the Red squadron of His Majesty's fleet, Henry Goulburn, Esq., a member of the Imperial Parliament and under Secretary of State, and Wm. Adams, Esq., Doctor of Civil Laws: and the President of the United States, by and with the advice and consent of the Senate thereof, has appointed

John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States, who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

ARTICLE 1. There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions, whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said ports or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which in the course of the war may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made, in conformity with the fourth article of this treaty. No disposition made by this treaty, as to such possession of the lands and territories claimed by both parties, shall in any manner whatever be construed to affect the right of either.

ART. 2. Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects, and citizens of the two Powers, to cease from hostilities; and, to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side; that the time shall be thirty days in all other parts of the Atlantic ocean north of the equinoctial line or equator, and the same time for the British and Irish channels, for the Gulf of Mexico, and all parts of the West Indies; forty days for the North seas, for the Baltic, and for all parts of the Mediterranean; sixty days for the Atlantic ocean, south of the equator, as far as the

Relations with Great Britain.

latitude of the Cape of Good Hope; ninety days for every part of the world south of the equator; and one hundred and twenty days for all other parts of the world, without exception.

ART. 3. All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

ART. 4. Whereas it was stipulated by the second article in the Treaty of Peace of one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Grand Menan, in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to His Britannic Majesty, as having been, at the time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three within the limits of the province of Nova Scotia: in order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two Commissioners, to be appointed in the following manner, viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them, on the part of His Britannic Majesty and of the United States, respectively. The said Commissioners shall meet at St. Andrew's, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said Treaty of Peace of one thousand seven hundred and eighty-three; and if the said Commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing, or declining, or wilfully

omitting to act as such, they shall make, jointly or separately, a report or reports, as well to the Government of His Britannic Majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be; and if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly Sovereign or State, together with the report of such other Commissioner, then such Sovereign or State shall decide *ex parte* upon the said report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of some friendly Power or State to be final and conclusive on all the matters so referred.

ART. 5. Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated in the former Treaty of Peace between the two Powers as the north-west angle of Nova Scotia, nor the northwesternmost head of Connecticut river, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers which extends from the source of the river St. Croix, directly north, to the above-mentioned north-west angle of Nova Scotia; thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy, which has not yet been surveyed: it is agreed that, for these several purposes, two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places, as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above-mentioned, in conformity with the provisions of the said Treaty of Peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraguy,

Relations with Great Britain.

to be surveyed and marked, according to the said provisions. The said Commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the north-westernmost head of Connecticut river, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two Commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly Sovereign or State shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ART. 6. Whereas by the former Treaty of Peace that portion of the boundary of the United States, from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraguy to the Lake Superior, was declared to be "along the middle of said river into Lake Ontario; through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie; through the middle of said lake until it arrives at the water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior." And whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed, with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. The said Commissioners shall meet, in the first instance, at Albany, in the State of New York, and shall have power to adjourn to such other place or places as they shall think fit: the said Commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said river, lakes, and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly Sovereign

or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ART. 7. It is further agreed that the said two last mentioned Commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby authorized, upon their oaths, impartially to fix and determine, according to the true intent of the said Treaty of Peace of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two Powers, which extends from the water communication between Lake Huron and Lake Superior to the most north-western point of the Lake of the Woods, to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said Treaty of Peace of one thousand seven hundred and eighty-three; and to cause such parts of the said boundary as require it to be surveyed and marked. The said Commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly Sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ART. 8. The several boards of two Commissioners mentioned in the four preceding articles, shall respectively have power to appoint a secretary, and to employ such surveyors, or other persons, as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, and decisions, and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of His Britannic Majesty, and to the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective Governments. The said Commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties—such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said Commissioners, shall be defrayed equally by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such Commissioner respectively shall be supplied in the same manner as such Commissioner was first appointed, and the new Commis-

Causes and Character of the War.

sioner shall take the same oath or affirmation, and do the same duties. It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the Boards of Commissioners aforesaid, or of the Sovereign or State so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war by the party having had such possession, shall be as valid as if such island or islands had by such decision or decisions been adjudged to be within the dominions of the party having had such possession.

ART. 9. The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities: *Provided always*, That such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And His Britannic Majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities: *Provided always*, That such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ART. 10. Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice: and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object.

ART. 11. This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner, if practicable.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

[L. S.]	GAMBIER,
[L. S.]	HENRY GOULBURN,
[L. S.]	WILLIAM ADAMS,
[L. S.]	JOHN QUINCY ADAMS,
[L. S.]	J. A. BAYARD,
[L. S.]	H. CLAY,
[L. S.]	JONATHAN RUSSELL,
[L. S.]	ALBERT GALLATIN.

AN EXPOSITION OF THE CAUSES AND CHARACTER OF THE WAR.

[NOTE.—This Exposition of the Causes and Character of the War was prepared and committed to the press, before any account had been received in the United States of the signature of a Treaty of Peace, by the American and the British negotiators; and it would have been difficult, even if it were desirable, to withhold the exposition from the public.]

But the charges which have been solemnly exhibited against the American Government, in the face of the world, render an exposition of its conduct necessary, in peace as much as in war, for the honor of the United States, and the unsullied reputation of their arms; lest those charges should obtain credit with the present generation, or pass, for truth, into the history of the times, upon the evidence of a silent acquiescence.]

Whatever may be the termination of the negotiations at Ghent, the despatches of the American Commissioners, which have been communicated by the President of the United States to the Congress, during the present session, will distinctly unfold, to the attentive and impartial of all nations, the objects and dispositions of the parties to the present war.

The United States, relieved by the general pacification of the Treaty of Paris from the danger of actual sufferance under the evils which had compelled them to resort to arms, have avowed their readiness to resume the relations of peace and amity with Great Britain, upon the simple and single condition of preserving their territory and their sovereignty, entire and unimpaired. Their desire of peace, indeed, "upon terms of reciprocity, consistent with the rights of both parties, as sovereign and independent nations,"* has not at any time been influenced by the provocations of an unprecedented course of hostilities; by the incitements of a successful campaign; or by the agitations which have seemed again to threaten the tranquillity of Europe.

But the British Government, after inviting "a discussion with the Government of America, for the conciliatory adjustment of the differences subsisting between the two States, with an earnest desire on their part (as it was alleged) to bring them to a favorable issue, upon principles of a perfect reciprocity, not inconsistent with the established maxims of public law, and with the

*See Mr. Monroe's letter to Lord Castlereagh, dated January, 1814.

Causes and Character of the War.

maritime rights of the British empire;”* and after “expressly disclaiming any intention to acquire an increase of territory;”† have peremptorily demanded, as the price of peace, concessions calculated merely for their own aggrandizement, and for the humiliation of their adversary. At one time, they proposed, as their *sine qua non*, a stipulation that the Indians, inhabiting the country of the United States, within the limits established by the Treaty of 1783, should be included, as the allies of Great Britain, (a party to that treaty,) in the projected pacification; and that definite boundaries should be settled for the Indian territory, upon a basis which would have operated to surrender to a number of Indians, not probably exceeding a few thousands, the rights of sovereignty, as well as of soil, over nearly one-third of the territorial dominions of the United States, inhabited by more than one hundred thousand of their citizens.‡ And, more recently, (withdrawing, in effect, that proposition,) they have offered to treat, on the basis of the *uti possidetis*; when, by the operations of the war, they had obtained the military possession of an important part of the State of Massachusetts, which, it was known, could never be the subject of a cession, consistently with the honor and faith of the American Government.¶ Thus, it is obvious, that Great Britain, neither regarding “the principles of a perfect reciprocity,” nor the rule of her own practice and professions, has indulged pretensions which could only be heard in order to be rejected. The alternative, either vindictively to protract the war or honorably to end it, has been fairly given to her option; but she wants the magnanimity to decide, while her apprehensions are awakened for the result of the Congress at Vienna, and her hopes are flattered by the schemes of conquest in America.

There are periods in the transactions of every country, as well as in the life of every individual, when self-examination becomes a duty of the highest moral obligation; when the Government

of a free people, driven from the path of peace, and baffled in every effort to regain it, may resort, for consolation, to the conscious rectitude of its measures; and when an appeal to mankind, founded upon truth and justice, cannot fail to engage those sympathies, by which even nations are led to participate in the same and fortunes of each other. The United States, under these impressions, are neither insensible to the advantages nor to the duties of their peculiar situation. They have but recently, as it were, established their independence; and the volume of their national history lies open, at a glance, to every eye. The policy of their Government, therefore, whatever it has been, in their foreign as well as in their domestic relations, it is impossible to conceal; and it must be difficult to mistake. If the assertion, that it has been a policy to preserve peace and amity with all the nations of the world, be doubted, the proofs are at hand. If the assertion, that it has been a policy to maintain the rights of the United States, but, at the same time, to respect the rights of every other nation, be doubted, the proofs will be exhibited. If the assertion, that it has been a policy to act impartially towards the belligerent Powers of Europe, be doubted, the proofs will be found on record, even in the archives of England and of France. And if, in fine, the assertion, that it has been a policy, by all honorable means, to cultivate with Great Britain those sentiments of mutual good will, which naturally belong to nations connected by the ties of a common ancestry, an identity of language, and a similarity of manners, be doubted, the proofs will be found in that patient forbearance, under the pressure of accumulating wrongs, which marks the period of almost thirty years, that elapsed between the peace of 1783 and the rupture of 1812.

The United States had just recovered, under the auspices of their present Constitution, from the debility which their Revolutionary struggle had produced, when the convulsive movements of France excited throughout the civilized world the mingled sensations of hope and fear—of admiration and alarm. The interest which those movements would, in themselves, have excited, was incalculably increased, however, as soon as Great Britain became a party to the first memorable coalition against France, and assumed the character of a belligerent Power; for, it was obvious, that the distance of the scene would no longer exempt the United States from the influence, and the evils, of the European conflict. On the one hand, their Government was connected with France, by treaties of alliance and commerce; and the services which that nation had rendered to the cause of American independence, had made such impressions upon the public mind, as no virtuous statesman could rigidly condemn, and the most rigorous statesman would have sought in vain to efface. On the other hand, Great Britain, leaving the Treaty of 1783 unexecuted, forcibly retained the American posts upon the Northern frontier; and, slighting every overture to place the diplomatic and commercial relations of the two countries, upon a fair and

* See Lord Castlereagh's letter to Mr. Monroe, dated the 4th of November, 1813.

† See the American despatch, dated the 12th of August, 1814.

‡ See the American despatches, dated the 12th and 19th of August, 1814; the note of the British Commissioners, dated the 19th of August, 1814; the note of the American Commissioners, dated the 21st of August, 1814; the note of the British Commissioners, dated the 4th of September, 1814; the note of the American Commissioners of the 9th of September, 1814; the note of the British Commissioners, dated the 19th of September, 1814; the note of the American Commissioners, dated the 26th of September, 1814; the note of the British Commissioners, dated the 8th of October, 1814; and the note of the American Commissioners, of the 13th of October, 1814.

¶ See the note of the British Commissioners, dated the 21st of October, 1814; the note of the American Commissioners, dated the 24th of October, 1814; and the note of the British Commissioners, dated the 31st of October, 1814.

Causes and Character of the War.

friendly foundation,* seemed to contemplate the success of the American Revolution, in a spirit of unextinguishable animosity. Her voice had, indeed, been heard from Quebec and Montreal, instigating the savages to war.† Her invisible arm was felt, in the defeats of General Harmar,‡ and General St. Clair,|| and even the victory of General Wayne§ was achieved in the presence of a fort which she had erected, far within the territorial boundaries of the United States, to stimulate and countenance the barbarities of the Indian warrior.¶ Yet, the American Government, neither yielding to popular feeling, nor acting upon the impulse of national resentment, hastened to adopt the policy of a strict and steady neutrality; and solemnly announced that policy to the citizens at home, and the nations abroad, by the proclamation of the 22d of April, 1793. Whatever may have been the trials of its pride and of its fortitude; whatever may have been the imputations upon its fidelity and its honor; it will be demonstrated, in the sequel, that the American Government, throughout the European contest, and amidst all the changes of the objects, and the parties, that have been involved in that contest, has inflexibly adhered to the principles which were thus, authoritatively, established, to regulate the conduct of the United States.

It was reasonable to expect, that a proclamation of neutrality, issued under the circumstances which have been described, would command the confidence and respect of Great Britain, however offensive it might prove to France, as contravening, essentially, the exposition which she was anxious to bestow upon the treaties of commerce and alliance. But experience has shown that the confidence and respect of Great Britain are not to be acquired by such acts of impartiality and independence. Under every Administration of the American Government, the experiment has been made, and the experiment has been equally unsuccessful; for, it was not more effectually ascertained in the year 1812, than at antecedent periods, that an exemption from the maritime usurpation, and the commercial monopoly, of Great Britain, could only be obtained upon the condition of becoming an associate in her enmities and her wars. While the proclamation of neutrality was still in the view of the British Minister, an order of the 8th of June, 1793, issued from the Cabinet, by virtue of which, "all vessels loaded wholly, or in part, with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France," were required to be carried, forcibly, into England; and the cargoes were either to be sold there, or security was to

be given that they should only be sold in the ports of a country in amity with his Britannic Majesty.* The moral character of an avowed design to inflict famine upon the whole of the French people, was, at that time, properly estimated throughout the civilized world; and so glaring an infraction of neutral rights, as the British order was calculated to produce, did not escape the severities of diplomatic animadversion and remonstrance. But this aggression was soon followed by another of a more hostile cast. In the war of 1756, Great Britain had endeavored to establish the rule, that neutral nations were not entitled to enjoy the benefits of a trade with the colonies of a belligerent Power, from which, in the season of peace, they were excluded by the parent State. The rule stands without positive support from any general authority on public law. If it be true that some treaties contain stipulations, by which the parties expressly exclude each other from the commerce of their respective colonies; and if it be true, that the ordinances of a particular State often provide for the exclusive enjoyment of its colonial commerce, still Great Britain cannot be authorized to deduce the rule of the war of 1756, by implication, from such treaties and such ordinances; while it is not true that the rule forms a part of the law of nations, nor that it has been adopted by any other Government; nor that even Great Britain herself has uniformly practised upon the rule; since its application was unknown from the war of 1756, until the French war of 1792, including the entire period of the American war. Let it be, argumentatively, allowed, however, that Great Britain possessed the right, as well as the power, to revive and enforce the rule; yet, the time and the manner of exercising the power, would afford ample cause for reproach. The citizens of the United States had openly engaged in an extensive trade with the French islands, in the West Indies, ignorant of the alleged existence of the rule of the war of 1756, or unapprized of any intention to call it into action, when the order of the 6th of November, 1793, was silently circulated among the British cruisers, consigning to legal adjudication, "all vessels laden with goods, the produce of any colony of France, or carrying provisions or supplies, for the use of any such colony."† A great portion of the commerce of the United States was thus annihilated at a blow; the amicable dispositions of the Government were again disregarded and contemned; the sensibility of the nation was excited to a high degree of resentment, by the apparent treachery of the British order; and a recourse to reprisals, or to war, for indemnity and redress, seemed to be unavoidable. But the love of justice had established the law of neutrality; and the love of peace taught a lesson of forbearance. The American Government, therefore, rising superior to the provocations and the passions of the day, instituted a special mis-

* See Mr. Adams's correspondence.

† See the speeches of Lord Dorchester.

‡ On the waters of the Miami of the Lake, on the 21st of October, 1790.

|| At Fort Recovery, on the 4th of November, 1791.

§ On the Miami of the Lake, in August, 1794.

¶ See the correspondence between Mr. Randolph, the American Secretary of State, and Mr. Hammond, the British Plenipotentiary, dated May and June, 1794.

* See the Order in Council of the 8th of June, 1793, and the remonstrance of the American Government.

† See the British order of the 6th of November, 1793.

Causes and Character of the War.

sion to represent at the Court of London the injuries and the indignities which it had suffered; "to vindicate its rights with firmness, and to cultivate peace with sincerity."* The immediate result of this mission was a treaty of amity, commerce, and navigation, between the United States and Great Britain, which was signed by the negotiators on the 19th of November, 1794, and finally ratified, with the consent of the Senate, in the year 1795. But both the mission and its result, serve, also, to display the independence and the impartiality of the American Government, in asserting its rights and performing its duties, equally unawed and unbiassed by the instruments of belligerent power or persuasion.

On the foundation of this treaty the United States, in a pure spirit of good faith and confidence, raised the hope and the expectation, that the maritime usurpations of Great Britain would cease to annoy them; that all doubtful claims of jurisdiction should be suspended; and that even the exercise of an incontestable right would be so modified, as to present neither insult, nor outrage, nor inconvenience, to their flag or to their commerce; but the hope and the expectation of the United States have been fatally disappointed. Some relaxation in the rigor, without any alteration in the principle, of the Order in Council of the 6th of November, 1793, was introduced by the subsequent Orders of the 8th of January, 1794, and the 25th of January, 1798; but from the ratification of the Treaty of 1794, until the short respite afforded by the Treaty of Amiens, in 1802, the commerce of the United States continued to be the prey of British cruisers and privateers, under the adjudicating patronage of the British tribunals. Another grievance, however, assumed at this epoch a form and magnitude which cast a shade over the social happiness, as well as the political independence of the nation. The merchant vessels of the United States were arrested on the high seas, while in the prosecution of distant voyages; considerable numbers of their crews were impressed into the naval service of Great Britain; the commercial adventures of the owners were often, consequently, defeated; and the loss of property, the embarrassments of trade and navigation, and the scene of domestic affliction, became intolerable. This grievance (which constitutes an important surviving cause of the American declaration of war) was early, and has been incessantly, urged upon the attention of the British Government. Even in the year 1792, they were told of "the irritation that it had excited, and of the difficulty of avoiding to make immediate reprisals on their scamen in the United States."† They were told "that so many instances of the kind had happened, that it was quite necessary they should explain themselves on the

subject, and be led to disavow and punish such violence, which had never been experienced from any other nation."* And they were told "of the inconvenience of such conduct, and of the impossibility of letting it go on, so that the British Ministry should be made sensible of the necessity of punishing the past, and preventing the future."‡ But after the Treaty of Amity, Commerce, and Navigation, had been ratified, the nature and the extent of the grievance became still more manifest; and it was clearly and firmly presented to the view of the British Government, as leading unavoidably to discord and war between the two nations. They were told, "that unless they would come to some accommodation which might insure the American seamen against this oppression, measures would be taken to cause the inconvenience to be equally felt on both sides."‡ They were told, "that the impressment of American citizens, to serve on board of British armed vessels, was not only an injury to the unfortunate individuals, but it naturally excited certain emotions in the breasts of the nation to whom they belonged, and of the just and humane of every country; and that an expectation was indulged that orders would be given that the Americans, so circumstanced, should be immediately liberated, and that the British officers should, in future, abstain from similar violence."§ They were told, "that the subject was of much greater importance than had been supposed; and that, instead of a few, and those in many instances equivocal cases, the American Minister at the Court of London had, in nine months (part of the years 1796 and 1797) made applications for the discharge of two hundred and seventy-one seamen, who had, in most cases, exhibited such evidence as to satisfy him that they were real Americans, forced into the British service, and persevering, generally, in refusing pay and bounty."§ They were told, "that if the British Government had any regard to the rights of the United States, any respect for the nation, and placed any value on their friendship, it would facilitate the means of relieving their oppressed citizens."¶ They were told, "that the British naval officers often impressed Swedes, Danes, and other foreigners, from the vessels of the United States; that they might, with as much reason, rob American vessels of property or merchandise of Swedes, Danes, and Portuguese, as seize and detain in their ser-

* See the letter from Mr. Jefferson to Mr. Pinkney, dated the 12th of October, 1792.

† See the letter from the same to the same, dated the 6th of November, 1792.

‡ See the letter from Mr. Pinkney, Minister at London, to the Secretary of State, dated the 13th of March, 1793.

§ See the note of Mr. Jay, Envoy Extraordinary, to Lord Grenville, dated the 30th of July, 1794.

§ See the letter of Mr. King, Minister at London, to the Secretary of State, dated the 18th of April, 1797.

¶ See the letter from Mr. Pickering, Secretary of State, to Mr. King, Minister at London, dated the 10th of September, 1796.

* See the President's Message to the Senate, of the 16th of April, 1794, nominating Mr. Jay as Envoy Extraordinary to his Britannic Majesty.

† See the letter of Mr. Jefferson, Secretary of State, to Mr. Pinkney, Minister at London, dated the 11th of June, 1792.

Causes and Character of the War.

vice the subjects of those nations found on board of American vessels; and that the President was extremely anxious to have this business of impressment placed on a reasonable footing.* And they were told, "that the impressment of American seamen was an injury of very serious magnitude, which deeply affected the feelings and honor of the nation; that no right had been asserted to impress the natives of America, yet, that they were impressed; they were dragged on board British ships of war, with the evidence of citizenship in their hands, and forced by violence there to serve until conclusive testimonials of their birth could be obtained; that many must perish unrelieved, and all were detained a considerable time in lawless and injurious confinement; that the continuance of the practice must inevitably produce discord between two nations, which ought to be the friends of each other; and that it was more advisable to desist from, and to take effectual measures to prevent an acknowledged wrong, than, by perseverance in that wrong, to excite against themselves the well-founded resentments of America, and force the Government into measures which may possibly terminate in an open rupture."†

Such were the feelings and the sentiments of the American Government, under every change of its administration, in relation to the British practice of impressment; and such the remonstrances addressed to the justice of Great Britain. It is obvious, therefore, that this cause, independent of every other, has been uniformly deemed a just and certain cause of war; yet, the characteristic policy of the United States still prevailed: remonstrance was only succeeded by negotiation, and every assertion of American rights was accompanied with an overture to secure, in any practicable form, the rights of Great Britain.‡ Time seemed, however, to render it more and more difficult to ascertain and fix the standard of the British rights, according to the succession of the British claims. The right of entering and searching an American merchant ship, for the purpose of impressment, was, for awhile, confined to the case of British deserters; and even so late as the month of February, 1800, the Minister of His Britannic Majesty, then at Philadelphia, urged the American Government "to take into consideration, as the only means of drying up every source of complaint and irritation upon that head, a proposal which he had made two years before, in the name of His Majesty's Government, for the reciprocal restitution of deserters."§ But

this project of a treaty was then deemed inadmissible, by the President of the United States, and the chief officers of the Executive departments of the Government, whom he consulted for the same reason, specifically, which, at a subsequent period, induced the President of the United States to withhold his approbation from the treaty negotiated by the American Ministers at London in the year 1806, namely: "that it did not sufficiently provide against the impressment of American seamen;"* and "that it is better to have no article, and to meet the consequences, than not to enumerate merchant vessels on the high seas, among the things not to be forcibly entered in search of deserters."† But the British claim, expanding with singular elasticity, was soon found to include a right to enter American vessels on the high seas, in order to search for and seize all British seamen; it next embraced the case of every British subject, and finally, in its practical enforcement, it has been extended to every mariner who could not prove, upon the spot, that he was a citizen of the United States.

While the nature of the British claim was thus ambiguous and fluctuating, the principle to which it was referred, for justice and support, appeared to be at once arbitrary and illusory. It was not recorded in any positive code of the law of nations; it was not displayed in the elementary works of the civilian, nor had it ever been exemplified in the maritime usages of any other country, in any other age. In truth, it was the offspring of the municipal law of Great Britain alone, equally operative in a time of peace and in a time of war; and, under all circumstances, inflicting a coercive jurisdiction upon the commerce and navigation of the world.

For the legitimate rights of the belligerent Powers, the United States had felt and evinced a sincere and open respect. Although they had marked a diversity of doctrine among the most celebrated jurists, upon many of the litigated points of the late war; although they had formerly espoused, with the example of the most powerful Government of Europe, the principles of the armed neutrality, which were established in the year 1780, upon the basis of the memorable declaration of the Empress of all the Russias; and although the principles of that declaration have been incorporated into all their public treaties, except in the instance of the Treaty of 1794, yet the United States, still faithful to the pacific and impartial policy which they professed, did not hesitate, even at the commencement of the French revolutionary war, to accept and allow the exposition of the law of nations, as it was then maintained by Great Britain; and conse-

* See the letter from Mr. Pickering to Mr. King, dated the 26th of October, 1796.

† See the letter from Mr. Marshall, Secretary of State, (now Chief Justice of the United States,) to Mr. King, Minister at London, dated the 20th of September, 1800.

‡ See particularly Mr. King's propositions to Lord Grenville, and Lord Hawkesbury, of the 13th of April, 1797, the 15th of March, 1799, the 25th of February, 1801, and in July, 1813.

§ See Mr. Liston's note to Mr. Pickering, the Secretary of State, dated the 4th of February, 1800.

* See the opinion of Mr. Pickering, Secretary of State, enclosing a plan of a treaty, dated the 3d of May, 1800, and the opinion of Mr. Wolcott, Secretary of the Treasury, dated the 14th of April, 1800.

† See the opinion of Mr. Stoddert, Secretary of the Navy, dated the 23d of April, 1800, and the opinions of Mr. Lee, Attorney General, dated the 26th of February, and the 30th of April, 1800.

Causes and Character of the War.

sequently, to admit, upon a much contested point, that the property of her enemy, in their vessels might be lawfully captured as prize of war.* It was also freely admitted, that a belligerent Power had a right, with proper cautions, to enter and search American vessels for the goods of an enemy, and for articles contraband of war; that if upon a search such goods or articles were found, or if, in the course of the search, persons in the military service of the enemy were discovered, a belligerent had a right of transshipment and removal; that a belligerent had a right, in doubtful cases, to carry American vessels to a convenient station for further examination, and that a belligerent had a right to exclude American vessels from ports and places, under the blockade of an adequate naval force. These rights the law of nations might reasonably be deemed to sanction, nor has a fair exercise of the powers necessary for the enjoyment of these rights been, at any time, controverted or opposed by the American Government.

But it must be again remarked, that the claim of Great Britain was not to be satisfied by the most ample and explicit recognition of the law of war; for, the law of war treats only of the relations of a belligerent to his enemy, while the claim of Great Britain embraced, also, the relations between a Sovereign and his subjects. It was said, that every British subject was bound by a tie of allegiance to his Sovereign, which no lapse of time, no change of place, no exigency of life, could possibly weaken or dissolve. It was said, that the British Sovereign was entitled, at all periods, and on all occasions, to the services of his subjects. And it was said, that the British vessels of war upon the high seas, might lawfully and forcibly enter the merchant vessels of every other nation (for the theory of these pretensions is not limited to the case of the United States, although that case has been, almost exclusively, affected by their practical operation) for the purpose of discovering and impressing British subjects.† The United States presume not to discuss the forms, or the principles, of the governments established in other countries. Enjoying the right and the blessing of self-government, they leave, implicitly, to every foreign nation, the choice of its social and political institutions. But whatever may be the form or the principle of government, it is an universal axiom of public law, among sovereign and independent States, that every nation is bound so to use and enjoy its own rights as not to injure or destroy the rights of any other nation. Say then, that the tie of allegiance cannot be severed, or relaxed, as respects the sovereign and the subject; and say, that the sovereign is, at all times, entitled to the services

of the subject; still, there is nothing gained, in support of the British claim, unless it can, also, be said, that the British Sovereign has a right to seek and seize his subject, while actually within the dominion or under the special protection of another Sovereign State. This will not surely be denominated a process of the law of nations, for the purpose of enforcing the rights of war; and if it shall be tolerated as a process of the municipal law of Great Britain, for the purpose of enforcing the right of the Sovereign to the service of his subjects, there is no principle of discrimination which can prevent its being employed in peace or in war, with all the attendant abuses of force and fraud, to justify the seizure of British subjects for crimes or for debts; and the seizure of British property, for any cause that shall be arbitrarily assigned. The introduction of these degrading novelties into the maritime code of nations, it has been the arduous task of the American Government, in the onset, to oppose; and it rests with all other Governments to decide, how far their honor and their interests must be eventually implicated, by a tacit acquiescence, in the successive usurpations of the British flag. If the right claimed by Great Britain be, indeed, common to all Governments, the ocean will exhibit, in addition to its many other perils, a scene of everlasting strife and contention; but what other Government has ever claimed or exercised the right? If the right shall be exclusively established as a trophy of the naval superiority of Great Britain, the ocean, which has been sometimes emphatically denominated, "the highway of nations," will be identified, in occupancy and use, with the dominions of the British Crown; and every other nation must enjoy the liberty of passage, upon the payment of a tribute, or the indulgence of a license; but what nation is prepared for this sacrifice of its honor and its interests? And if, after all, the right be now asserted (as experience too plainly indicates) for the purpose of imposing upon the United States, to accommodate the British maritime policy, a new and odious limitation of the sovereignty and independence which were acquired by the glorious Revolution of 1776, it is not for the American Government to calculate the duration of a war that shall be waged, in resistance of the active attempts of Great Britain to accomplish her project; for, where is the American citizen who would tolerate a day's submission to the vassalage of such a condition?

But the American Government has seen, with some surprise, the gloss which the Prince Regent of Great Britain, in his declaration of the 10th of January, 1813, has condescended to bestow upon the British claim of a right to impress men, on board of the merchant vessels of other nations; and the retort, which he has ventured to make, upon the conduct of the United States, relative to the controverted doctrines of expatriation. The American Government, like every other civilized Government, avows the principle, and indulges the practice, of naturalizing foreigners. In Great Britain, and throughout the Continent of Europe,

* See the correspondence of the year 1792, between Mr. Jefferson, Secretary of State, and the Ministers of Great Britain and France. See also Mr. Jefferson's letter to the American Minister at Paris, of the same year, requesting the recall of Mr. Genet.

† See the British declaration of the 10th of January, 1813.

Causes and Character of the War.

the laws and regulations upon the subject are not materially dissimilar, when compared with the laws and regulations of the United States. The effect, however, of such naturalization, upon the connexion, which previously subsisted, between the naturalized person and the Government of the country of his birth, has been differently considered, at different times, and in different places. Still, there are many respects in which a diversity of opinion does not exist, and cannot arise. It is agreed, on all hands, that an act of naturalization is not a violation of the law of nations; and that, in particular, it is not, in itself, an offence against the Government whose subject is naturalized. It is agreed, that an act of naturalization creates, between the parties, the reciprocal obligations of allegiance and protection. It is agreed, that while a naturalized citizen continues within the territory and jurisdiction of his adoptive Government, he cannot be pursued, or seized, or restrained, by his Sovereign. It is agreed, that a naturalized citizen, whatever may be thought of the claims of the Sovereign of his native country, cannot lawfully be withdrawn from the obligations of his contract of naturalization, by the force, or the seduction, of a third Power. And it is agreed, that no Sovereign can lawfully interfere, to take from the service, or the employment, of another Sovereign, persons who are not the subjects of either of the Sovereigns engaged in the transaction. Beyond the principles of these accorded propositions, what have the United States done to justify the imputation of "harboring British seamen, and exercising an assumed right, to transfer the allegiance of British subjects?"* The United States have, indeed, insisted upon the right of navigating the ocean in peace and safety, protecting all that is covered by their flag, as on a place of equal and common jurisdiction to all nations; save where the law of war interposes the exceptions of visitation, search, and capture; but, in doing this, they have done no wrong. The United States in perfect consistency, it is believed, with the practice of all belligerent nations, not even excepting Great Britain herself, have, indeed, announced a determination, since the declaration of hostilities, to afford protection, as well to the naturalized, as to the native citizen, who, giving the strongest proofs of fidelity, should be taken in arms by the enemy; and the British cabinet well know, that this determination could have no influence upon those councils of their Sovereign, which preceded and produced the war. It was not, then, to "harbor British seamen," nor to "transfer the allegiance of British subjects;" nor to "cancel the jurisdiction of their legitimate Sovereign;" nor to vindicate "the pretension that acts of naturalization, and certificates of citizenship, were as valid out of their own territory as within it;"† that the United States have asserted

the honor and the privilege of their flag, by the force of reason and of arms. But it was to resist a systematic scheme of maritime aggrandizement, which, prescribing to every other nation the limits of a territorial boundary, claimed for Great Britain the exclusive dominion of the seas; and which, spurning the settled principles of the law of war, condemned the ships and mariners of the United States to suffer, upon the high seas and virtually within the jurisdiction of their flag, the most rigorous dispensations of the British municipal code, inflicted by the coarse and licentious hand of a British press-gang.

The injustice of the British claim, and the cruelty of the British practice, have tested, for a series of years, the pride and the patience of the American Government; but, still, every experiment was anxiously made to avoid the last resort of nations. The claim of Great Britain, in its theory, was limited to the right of seeking and impressing its own subjects, on board of the merchant vessels of the United States, although, in fatal experience, it has been extended (as already appears) to the seizure of the subjects of every other Power, sailing under a voluntary contract with the American merchant; to the seizure of the naturalized citizens of the United States, sailing, also, under voluntary contracts, which every foreigner, independent of any act of naturalization, is at liberty to form in every country; and even to the seizure of the native citizens of the United States, sailing on board the ships of their own nation, in the prosecution of a lawful commerce. The excuse, for what has been unfeelingly termed, "partial mistakes, and occasional abuse,"* when the right of impressment was practised towards vessels of the United States, is, in the words of the Prince Regent's declaration, "a similarity of language and manners;" but was it not known, when this excuse was offered to the world, that the Russian, the Swede, the Dane, and the German; that the Frenchman, the Spaniard, and the Portuguese; nay, that the African and the Asiatic; between whom and the people of Great Britain there exists no similarity of language, manners, or complexion; had been, equally with the American citizen and the British subject, the victims of the impress tyranny?† If, however, the excuse be sincere; if the real object of the impressment be merely to secure to Great Britain the naval services of her own subjects, and not to man her fleets, in every practicable mode of enlistment, by right or by wrong; and if a just and generous Government, professing mutual friendship and respect, may be presumed to prefer the accomplishment even of a legitimate purpose, by means the least afflicting and injurious to others, why have the overtures of the United States, offering other means as effectual as impressment,

* See the British declaration of the 10th of January, 1813.

† See the letter of Mr. Pickering, Secretary of State, to Mr. King, Minister at London, of the 26th of October, 1796; and the letter of Mr. Marshall, Secretary of State, to Mr. King, of the 20th of September, 1800.

* See the British declaration of the 10th of January, 1813.

† See these passages in the British declaration of the 10th of January, 1813.

Causes and Character of the War.

for the purpose avowed, to the consideration and acceptance of Great Britain, been forever eluded or rejected? It has been offered, that the number of men to be protected by an American vessel, should be limited by her tonnage; that British officers should be permitted, in British ports, to enter the vessel, in order to ascertain the number of men on board; and that, in case of an addition to her crew, the British subjects enlisted should be liable to impressment.* It was offered in the solemn form of a law, that American seamen should be registered; that they should be provided with certificates of citizenship;† and that the roll of the crew of every vessel should be formally authenticated.‡ It was offered, that no refuge or protection should be given to deserters; but that, on the contrary, they should be surrendered.¶ It was “again and again offered, to concur in a convention, which it was thought practicable to be formed and which should settle the questions of impressment, in a manner that would be safe for England, and satisfactory to the United States.”§ It was offered, that each party should prohibit its citizens or subjects, from clandestinely concealing or carrying away, from the territories or colonies of the other, any seaman belonging to the other party.¶ And, conclusively, it has been offered and declared by law, that “after the termination of the present war, it should not be lawful to employ on board of any of the public or private vessels of the United States, any persons, except citizens of the United States; and that no foreigner should be admitted to become a citizen hereafter, who had not, for the continued term of five years, resided within the United States, without being, at any time, during the five years, out of the territory of the United States.”***

It is manifest then, that such provision might be made by law; and that such provision has been repeatedly and urgently proposed; as would, in all future times, exclude from the maritime service of the United States, both in public and in private vessels, every person, who could, possibly, be claimed by Great Britain, as a native subject, whether he had, or had not, been natural-

* See the letter of Mr. Jefferson, Secretary of State, to Mr. Pinkney, Minister at London, dated the 11th of June, 1792, and the letter of Mr. Pickering, Secretary of State, to Mr. King, Minister at London, dated the 8th of June, 1796.

† See the act of Congress, passed the 28th of May, 1796.

‡ See the letter of Mr. Pickering, Secretary of State to Mr. King, Minister at London, dated the 8th of June, 1796.

¶ See the project of a treaty on the subject, between Mr. Pickering, Secretary of State, and Mr. Liston, the British Minister, at Philadelphia, in the year 1800.

§ See the letter of Mr. King, Minister at London, to the Secretary of State, dated the 15th of March, 1799.

¶ See the letter of Mr. King, to the Secretary of State, dated in July, 1803.

*** See the act of Congress, passed on the 3d of March, 1813.

ized in America.* Enforced by the same sanctions and securities, which are employed to enforce the penal code of Great Britain, as well as the penal code of the United States, the provision would afford the strongest evidence, that no British subject could be found in service on board of an American vessel; and, consequently, whatever might be the British right of impressment, in the abstract, there would remain no justifiable motive, there could hardly be invented a plausible pretext, to exercise it, at the expense of the American right of lawful commerce. If, too, as it has sometimes been insinuated, there would, nevertheless, be room for frauds and evasions, it is sufficient to observe, that the American Government would always be ready to hear, and to redress, every just complaint; or, if redress were sought and refused, (a preliminary course, that ought never to have been omitted, but which Great Britain has never pursued,) it would still be in the power of the British Government to resort to its own force, by acts equivalent to war, for the reparation of its wrongs. But Great Britain has, unhappily, perceived in the acceptance of the overtures, of the American Government, consequences injurious to her maritime policy; and, therefore, withholds it, at the expense of her justice. She perceives, perhaps, a loss of the American nursery for her seamen, while she is at peace; a loss of the service of American crews, while she is at war; and a loss of many of those opportunities, which have enabled her to enrich her navy, by the spoils of the American commerce, without exposing her own commerce to the risk of retaliation or reprisals. Thus, were the United States, in a season of reputed peace, involved in the evils of a state of war; and thus was the American flag annoyed by a nation still professing to cherish the sentiments of mutual friendship and respect, which had been recently vouched, by the faith of a solemn treaty. But the American Government even yet abstained from vindicating its rights, and from avenging its wrongs, by an appeal to arms. It was not an insensibility to those wrongs; nor a dread of British power; nor a subserviency to British interests, that prevailed, at that period, in the Councils of the United States; but, under all trials, the American Government abstained from the appeal to arms then, as it has, repeatedly since done, in its collisions with France, as well as with Great Britain, from the purest love of peace, while peace could be rendered compatible with the honor and independence of the nation.

During the period which has hitherto been more particularly contemplated, (from the declaration of hostilities between Great Britain and France in the year 1792, until the short-lived pacification of the Treaty of Amiens in 1802,) there were not wanting occasions, to test the consistency and the impartiality of the American Government, by a comparison of its conduct to-

* See the letter of instructions from Mr. Monroe, Secretary of State, to the Plenipotentiaries for treating of peace with Great Britain, under the mediation of the Emperor Alexander, dated the 15th of April, 1813.

Causes and Character of the War.

wards Great Britain, with its conduct towards other nations. The manifestations of the extreme jealousy of the French Government, and of the intemperate zeal of its Ministers near the United States, were coeval with the proclamation of neutrality; but after the ratification of the Treaty of London, the scene of violence, spoliation, and contumely, opened by France, upon the United States, became such, as to admit, perhaps, of no parallel, except in the contemporaneous scenes which were exhibited by the injustice of her great competitor. The American Government acted, in both cases, on the same pacific policy; in the same spirit of patience and forbearance; but with the same determination, also, to assert the honor and independence of the nation. When, therefore, every conciliatory effort had failed, and when two successive missions of peace had been contemptuously repulsed, the American Government, in the year 1798, annulled its treaties with France, and waged a maritime war against the nation, for the defence of its citizens, and of its commerce, passing on the high seas. But as soon as the hope was conceived, of a satisfactory change in the dispositions of the French Government, the American Government hastened to send another mission to France; and a convention, signed in the year 1800, terminated the subsisting differences between the two countries.

Nor were the United States able, during the same period, to avoid a collision with the Government of Spain, upon many important and critical questions of boundary and commerce; of Indian warfare, and maritime spoliation. Preserving, however, their system of moderation, in the assertion of their rights, a course of amicable discussion and explanation, produced mutual satisfaction; and a Treaty of Friendship, Limits, and Navigation, was formed in the year 1795, by which the citizens of the United States acquired a right, for the space of three years, to deposit their merchandises and effects in the port of New Orleans; with a promise, either that the enjoyment of that right should be indefinitely continued, or that another part of the banks of the Mississippi should be assigned for an equivalent establishment. But, when, in the year 1802, the port of New Orleans was abruptly closed against the citizens of the United States, without an assignment of any other equivalent place of deposit, the harmony of the two countries was again most seriously endangered, until the Spanish Government, yielding to the remonstrances of the United States, disavowed the act of the Intendant of New Orleans, and ordered the right of deposit to be reinstated, on the terms of the Treaty of 1795.

The effects produced, even by a temporary suspension of the right of deposit at New Orleans, upon the interests and feelings of the nation, naturally suggested to the American Government the expediency of guarding against their concurrence, by the acquisition of a permanent property in the Province of Louisiana. The Minister of the United States, at Madrid, was, accordingly,

instructed to apply to the Government of Spain upon the subject; and, on the 4th of May, 1803, he received an answer, stating, that "by the retrocession made to France of Louisiana, that Power regained the province, with the limits it had, saving the rights acquired by other Powers; and that the United States could address themselves to the French Government, to negotiate the acquisition of territories, which might suit their interest."* But, before this reference, official information of the same fact had been received by Mr. Pinkney from the Court of Spain, in the month of March preceding, and the American Government, having instituted a special mission to negotiate the purchase of Louisiana from France, or from Spain, whichever should be its sovereign, the purchase was accordingly accomplished, for a valuable consideration, (that was punctually paid) by the Treaty concluded at Paris, on the 30th of April, 1803.

The American Government has not seen, without some sensibility, that a transaction, accompanied by such circumstances of general publicity and of scrupulous good faith, has been denounced by the Prince Regent, in his declaration of the 10th of January, 1813, as a proof of the "ungenerous conduct" of the United States towards Spain.† In amplification of the Royal charge, the British negotiators at Ghent have presumed to impute "the acquisition of Louisiana, by the United States, to a spirit of aggrandizement, not necessary to their own security;" and to maintain "that the purchase was made against the known conditions on which it had been ceded by Spain to France;‡ that "in the face of the protestation of the Minister of His Catholic Majesty at Washington, the President of the United States ratified the Treaty of Purchase;|| and that "there was good reason to believe that many circumstances attending the transaction were industriously concealed."§ The American Government cannot condescend to retort aspersions so unjust, in language so opprobrious; and peremptorily rejects the pretension of Great Britain to interfere in the business of the United States and Spain; but it owes, nevertheless, to the claims of truth, a distinct statement of the facts which have been thus misrepresented. When the special mission was appointed to negotiate the purchase of Louisiana from France, in the manner already mentioned, the American Minister at London was instructed to explain the object of the mission; and having made the

*See the letter from Don Pedro Cevallos, the Minister of Spain, to Mr. C. Pinkney, the Minister of the United States, dated the 4th of May, 1803, from which the passage cited is literally translated.

† See the Prince Regent's declaration of the 10th of January, 1813.

‡ See the note of the British Commissioners, dated the 4th of September, 1814.

|| See the note of the British Commissioners, dated the 19th of September, 1814.

§ See the note of the British Commissioners, dated the 8th of October, 1814.

Causes and Character of the War.

explanation, he was assured by the British Government, "that the communication was received in good part; no doubt was suggested of the right of the United States to pursue, separately and alone, the objects they aimed at; but the British Government appeared to be satisfied with the President's views on this important subject."* As soon, too, as the Treaty of Purchase was concluded, before hostilities were again actually commenced between Great Britain and France, and previously, indeed, to the departure of the French Ambassador from London, the American Minister openly notified to the British Government, that a treaty had been signed, "by which the complete sovereignty of the town and territory of New Orleans, as well as of all Louisiana, as the same was heretofore possessed by Spain, had been acquired by the United States of America; and, that in drawing up the treaty, care had been taken so to frame the same as not to infringe any right of Great Britain, in the navigation of the river Mississippi."† In the answer of the British Government, it was explicitly declared by Lord Hawkesbury, "that he received His Majesty's commands to express the pleasure with which His Majesty had received the intelligence; and to add, that His Majesty regarded the care which had been taken so to frame the treaty as not to infringe any right of Great Britain in the navigation of the Mississippi, as the most satisfactory evidence of a disposition on the part of the Government of the United States, correspondent with that which His Majesty entertained, to promote and improve that harmony which so happily subsisted between the two countries, and which was so conducive to their mutual benefit."‡ The world will judge, whether, under such circumstances, the British Government had any cause, on its own account, to arraign the conduct of the United States in making the purchase of Louisiana; and certainly no greater cause will be found for the arraignment on account of Spain. The Spanish Government was apprized of the intention of the United States to negotiate for the purchase of that province; its Ambassador witnessed the progress of the negotiation at Paris, and the conclusion of the Treaty on the 30th of April, 1803, was promptly known and understood at Madrid—yet, the Spanish Government interposed no objection, no protestation, against the transaction in Europe; and it was not until the month of September, 1803, that the American Government heard with surprise, from the Minister of Spain at Washington, that His Catholic Majesty was dissatisfied with the cession of Louisiana to the United States. Notwithstanding this diplomatic remonstrance, however, the Spanish Government

proceeded to deliver the possession of Louisiana to France, in execution of the Treaty of Ildelfonso; saw France, by an almost simultaneous act, transfer the possession to the United States, in execution of the Treaty of Purchase; and, finally instructed the Marquis de Casa Yrujo to present to the American Government the declaration of the 15th of May, 1804, acting "by the special order of his Sovereign," "that the explanations, which the Government of France had given to His Catholic Majesty concerning the sale of Louisiana to the United States, and the amicable dispositions on the part of the King his master, towards these States, had determined him to abandon the opposition, which at a prior period, and with the most substantial motives, he had manifested against the transaction."*

But after this amicable and decisive arrangement of all differences, in relation to the validity of the Louisiana purchase, a question of some embarrassment remained in relation to the boundaries of the ceded territory. This question, however, the American Government always has been, and always will be, willing to discuss, in the most candid manner, and to settle upon the most liberal basis with the Government of Spain. It was not, therefore, a fair topic with which to inflame the Prince Regent's declaration, or to embellish the diplomatic notes of the British negotiators at Ghent.† The period has arrived when Spain, relieved from her European labors, may be expected to bestow her attention more effectually upon the state of the colonies; and, acting with wisdom, justice, and magnanimity, of which she has given frequent examples, she will find no difficulty in meeting the recent advances of the American Government, for an honorable adjustment of every point in controversy between the two countries, without seeking the aid of British mediation, or adopting the animosity of British Councils.

But still the United States, feeling a constant interest in the opinion of enlightened and impartial nations, cannot hesitate to embrace the opportunity for representing, in the simplicity of truth, the events by which they have been led to take possession of a part of the Floridas, notwithstanding the claim of Spain to the sovereignty of the same territory. In the acceptance and understanding of the United States, the cession of Louisiana embraced the country south of the Mississippi Territory, and eastward of the river Mississippi, and extending to the river Perdido; but "their conciliatory views, and their confidence in the justice of their cause, and in the success of a candid discussion and amicable negotiation with a just and friendly Power, induced them to acquiesce in the temporary continuance of that

* See the letter from the Secretary of State to Mr. King, the American Minister at London, dated the 29th of January, 1803; and Mr. King's letter to the Secretary of State, dated the 28th of April, 1803.

† See the letter of Mr. King, to Lord Hawkesbury, dated the 15th of May, 1803.

‡ See the letter of Lord Hawkesbury, to Mr. King, dated the 19th of May, 1803.

* See the letter of the Marquis de Casa Yrujo, to the American Secretary of State, dated the 15th of May, 1804.

† See the Prince Regent's declaration of the 10th of January, 1813. See the notes of the British Commissioners, dated 19th September, 8th October, 1814.

Causes and Character of the War.

territory, under the Spanish authority."* When, however, the adjustment of the boundaries of Louisiana, as well as a reasonable indemnification, on account of maritime spoiliations, and the suspension of the right of deposit at New Orleans, seemed to be indefinitely postponed, on the part of Spain, by events which the United States had not contributed to produce, and could not control; when a crisis had arrived subversive of the order of things under the Spanish authorities, contravening the views of both parties, and endangering the tranquillity and security of the adjoining territories, by the intrusive establishment of a Government independent of Spain, as well as of the United States; and when, at a later period, there was reason to believe that Great Britain herself designed to occupy the Floridas, (and she has, indeed, actually occupied Pensacola for hostile purposes,) the American Government, without departing from its respect for the rights of Spain, and even consulting the honor of that State, unequal as she then was to the task of suppressing the intrusive establishment, was impelled by the paramount principle of self-preservation, to rescue its own rights from the impending danger. Hence, the United States in the year 1810, proceeding, step by step, according to the growing exigencies of the time, took possession of the country, in which the standard of independence had been displayed, excepting such places as were held by a Spanish force. In the year 1811, they authorized their President, by law, provisionally to accept of the possession of East Florida from the local authorities, or to pre-occupy it against the attempt of a foreign Power to seize it. In 1813, they obtained the possession of Mobile, the only place then held by a Spanish force in West Florida; with a view to their own immediate security, but without varying the questions depending between them and Spain, in relation to that province. And, in the year 1814, the American commander, acting under the sanction of the law of nations, but unauthorized by the orders of his Government, drove from Pensacola the British troops, who, in violation of the neutral territory of Spain, (a violation which Spain, it is believed, must herself resent, and would have resisted, if the opportunity had occurred,) seized and fortified that station, to aid in military operations against the United States. But all these measures of safety and necessity were frankly explained, as they occurred, to the Government of Spain, and even to the Government of Great Britain, antecedently to the declaration of war, with the sincerest assurances that the possession of the territory thus acquired "should not cease to be a subject of fair and friendly negotiation and adjustment."†

* See the proclamation of the President of the United States, authorizing Governor Claiborne to take possession of the territory, dated the 27th of October, 1810.

† See the letter from the Secretary of State, to Governor Claiborne, and the President's proclamation, dated the 27th of October, 1810.

The present review of the conduct of the United States towards the belligerent Powers of Europe, will be regarded by every candid mind as a necessary medium to vindicate their national character from the unmerited imputations of the Prince Regent's declaration of the 10th of January, 1813; and not a medium voluntarily assumed, according to the insinuations of that declaration, for the revival of unworthy prejudices or vindictive passions, in reference to transactions that are past. The Treaty of Amiens, which seemed to terminate the war in Europe, seemed also to terminate the neutral sufferings of America; but the hope of repose was, in both respects, delusive and transient. The hostilities which were renewed between Great Britain and France, in the year 1803, were immediately followed by a renewal of the aggressions of the belligerent Powers, upon the commercial rights and political independence of the United States. There was scarcely, therefore, an interval separating the aggressions of the first war from the aggressions of the second war; and although, in nature, the aggressions continued to be the same, in extent, they became incalculably more destructive. It will be seen, however, that the American Government inflexibly maintained its neutral and pacific policy in every extremity of the latter trial, with the same good faith and forbearance that, in the former trial, had distinguished its conduct; until it was compelled to choose from the alternative, of national degradation or national resistance. And, if Great Britain alone then became the object of the American declaration of war, it will be seen that Great Britain alone had obstinately closed the door of amicable negotiation.

The American Minister at London, anticipating the rupture between Great Britain and France, had obtained assurances from the British Government, "that, in the event of war, the instructions given to their naval officers should be drawn up with plainness and precision; and, in general, that the rights of belligerents should be exercised in moderation, and with due respect for those of neutrals."* And in relation to the important subject of impressment, he had actually prepared for signature, with the assent of Lord Hawkesbury and Lord St. Vincent, a convention, to continue during five years, declaring, that "no seaman, nor seafaring person, should, upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship,

See the proceedings of the Convention of Florida transmitted to the Secretary of State, by the Governor of the Mississippi Territory, in his letter of the 17th of October, 1810; and the answer of the Secretary of State, dated the 15th of November, 1810.

See the letter of Mr. Morier, British Charge d'Affaires, to the Secretary of State, dated the 15th of December, 1810; and the Secretary's answer.

See the correspondence between Mr. Monroe and Mr. Foster, the British Minister, in the months of July, September, and November, 1811.

* See the letter of Mr. King to the Secretary of State, dated the 16th of May, 1803.

Causes and Character of the War.

or vessel, belonging to the citizens or subjects of one of the parties, by the public or private-armed ships, or men of war, belonging to, or in the service of, the other party; and that strict orders should be given for the due observance of the engagement.* This convention, which explicitly relinquished impressments from American vessels, on the high seas, and to which the British Ministers had at first agreed, Lord St. Vincent was desirous afterwards to modify, "stating, that on further reflection, he was of opinion that the narrow seas should be expressly excepted, they having been, as his Lordship remarked, immemorably considered to be within the dominion of Great Britain." The American Minister, however, "having supposed, from the tenor of his conversations with Lord St. Vincent, that the doctrine of *mare clausum*, would not be revived against the United States on this occasion, but that England would be content, with the limited jurisdiction, or dominion, over the seas adjacent to her territories, which is assigned by the law of nations to other States, was disappointed, on receiving Lord St. Vincent's communication; and chose rather to abandon the negotiation than to acquiesce in the doctrine it proposed to establish.† But it was still some satisfaction to receive, a formal declaration from the British Government, communicated by its Minister at Washington, after the recommencement of the war in Europe, which promised, in effect, to reinstate the practice of naval blockades, upon the principles of the law of nations; so that no blockade should be considered as existing, "unless in respect of particular ports, which might be actually invested; and, then, that the vessels bound to such ports should not be captured, unless they had previously been warned not to enter them.‡"

All the precautions of the American Government were, nevertheless, ineffectual; and the assurances of the British Government were, in no instance, verified. The outrage of impressment was again, indiscriminately, perpetrated upon the crew of every American vessel, and on every sea. The enormity of blockades, established by an Order in Council, without a legitimate object, and maintained by an Order in Council, without the application of a competent force, was, more and more, developed. The rule, denominated "the rule of the war of 1756," was revived, in an affected style of moderation, but in a spirit of more rigorous execution.¶ The lives, the liberty, the fortunes, and the happiness, of the citi-

zens of the United States, engaged in the pursuits of navigation and commerce, were once more subjected to the violence and cupidity of the British cruisers. And, in brief, so grievous, so intolerable, had the afflictions of the nation become, that the people, with one mind and one voice, called loudly upon their Government for redress and protection;* the Congress of the United States, participating in the feelings and resentments of the time, urged upon the Executive Magistrate the necessity of an immediate demand of reparation from Great Britain;† while the same patriotic spirit, which had opposed British usurpation in 1793, and encountered French hostility in 1798, was again pledged, in every variety of form, to the maintenance of the national honor and independence during the more arduous trial that arose in 1805.

Amidst these scenes of injustice on the one hand, and of reclamation on the other, the American Government preserved its equanimity and its firmness. It beheld much in the conduct of France, and of her ally, (Spain,) to provoke reprisals. It beheld more in the conduct of Great Britain, that led unavoidably, as had often been avowed, to the last resort of arms. It beheld in the temper of the nation all that was requisite to justify an immediate selection of Great Britain as the object of a declaration of war. And it could not but behold in the policy of France the strongest motive to acquire the United States, as an associate in the existing conflict. Yet, these considerations did not then, more than at any former crisis, subdue the fortitude or mislead the judgment of the American Government; but, in perfect consistency with its neutral, as well as its pacific system, it demanded atonement by remonstrances with France and Spain, and it sought the preservation of peace by negotiation with Great Britain.

It has been shown, that a treaty proposed emphatically by the British Minister, resident at Philadelphia, "as the means of drying up every source of complaint and irritation upon the head of impressment," was "deemed utterly inadmissible" by the American Government, because it did not sufficiently provide for that object.‡ It has also been shown, that another treaty proposed by the American Minister at London was laid aside because the British Government, while it was willing to relinquish expressly impressments from American vessels on the high seas, insisted upon an exception in reference to the narrow seas, claimed as a part of the British dominion. And experience demonstrated, that, although the spo-

* See the letter of Mr. King to the Secretary of State, dated July, 1803.

† See the letter of Mr. King to the Secretary of State, dated July, 1803.

‡ See the letter of Mr. Merry to the Secretary of State, dated the 12th of April, 1804, and the enclosed copy of a letter from Mr. Nepean, the Secretary of the Admiralty, to Mr. Hammond, the British under Secretary of State for foreign Affairs, dated January 5, 1804.

¶ See the Orders in Council of the 24th of June, 1803, and the 17th of August, 1805.

* See the memorials of Boston, New York, Philadelphia, Baltimore, &c., presented to Congress in the end of the year 1805, and the beginning of the year 1806.

† See the resolutions of the Senate of the United States, of the 10th and 14th of February, 1806; and the resolution of the House of Representatives.

‡ See Mr. Liston's letter to the Secretary of State, dated the 4th February, 1800; and the letter of Mr. Pickering, Secretary of State, to the President of the United States, dated the 20th February, 1800.

Causes and Character of the War.

liations committed upon the American commerce might admit of reparation by the payment of a pecuniary equivalent; yet, consulting the honor and the feelings of the nation, it was impossible to receive satisfaction for the cruelties of impressment by any other means than by an entire discontinuance of the practice. When, therefore, the Envoys Extraordinary were appointed in the year 1806 to negotiate with the British Government, every authority was given for the purposes of conciliation; nay, an act of Congress prohibiting the importation of certain articles of British manufacture into the United States was suspended, in proof of a friendly disposition.* But, it was declared that "the suppression of impressment and the definition of blockades were absolutely indispensable;" and that, "without a provision against impressments, no treaty should be concluded." The American Envoys, accordingly, took care to communicate to the British Commissioners the limitations of their powers. Influenced, at the same time, by a sincere desire to terminate the differences between the two nations; knowing the solicitude of their Government to relieve its seafaring citizens from actual suffering; listening with confidence to assurances and explanations of the British Commissioners, in a sense favorable to their wishes; and, judging from a state of information that gave no immediate cause to doubt the sufficiency of those assurances and explanations;—the Envoys, rather than terminate the negotiation without any arrangement, were willing to rely upon the efficacy of a substitute for a positive article in the treaty, to be submitted to the consideration of their Government, as this, according to the declaration of the British Commissioners, was the only arrangement they were permitted at that time to propose or to allow. The substitute was presented in the form of a note from the British Commissioners to the American Envoys, and contained a pledge "that instructions had been given, and should be repeated and enforced, for the observance of the greatest caution in the impressing of British seamen; that the strictest care should be taken to preserve the citizens of the United States from any molestation or injury; and that immediate and prompt redress should be afforded, upon any representation of injury sustained by them."†

Inasmuch, however, as the treaty contained no provision against impressment, and it was seen by the Government, when the treaty was under consideration for ratification, that the pledge contained in the substitute was not complied with, but, on the contrary, that the impressments were continued with undiminished violence in the American seas, so long after the alleged date of the instructions which were to arrest them, that the practical inefficacy of the substitute could not be doubted by the Government here, the ratification of the

treaty was necessarily declined; and it has since appeared, that, after a change in the British Ministry had taken place, it was declared by the Secretary of Foreign Affairs that no engagements were entered into, on the part of His Majesty, as connected with the treaty, except such as appear upon the face of it.*

The American Government, however, with unabating solicitude for peace, urged an immediate renewal of the negotiations on the basis of the abortive treaty, until this course was peremptorily declared, by the British Government, to be "wholly inadmissible."‡

But, independent of the silence of the proposed treaty, upon the great topic of American complaint, and of the view which has been taken of the projected substitute; the contemporaneous declaration of the British Commissioners, delivered by the command of their Sovereign, and to which the American Envoys refused to make themselves a party, or to give the slightest degree of sanction, was regarded by the American Government, as ample cause of rejection. In reference to the French decree, which had been issued at Berlin, on the 21st of November, 1806, it was declared, that if France should carry the threats of that decree into execution, and "if neutral nations, contrary to all expectation, should acquiesce in such usurpations, His Majesty might, probably, be compelled, however reluctantly, to retaliate, in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures which those nations should have permitted to be enforced against their commerce with his subjects;" "that His Majesty could not enter into the stipulations of the present treaty, without an explanation from the United States of their intentions, or a reservation on the part of His Majesty, in the case above mentioned, if it should ever occur;" and "that, without a formal abandonment, or tacit relinquishment, of the unjust pretensions of France, or without such conduct and assurance on the part of the United States, as should give security to His Majesty, that they would not submit to the French innovations, in the established system of maritime law, His Majesty would not consider himself bound, by the present signature of his Commissioners, to ratify the treaty, or precluded from adopting such measures as might seem necessary for counteracting the designs of the enemy."‡

The reservation of a power to invalidate a solemn treaty, at the pleasure of one of the parties, and the menace of inflicting punishment upon the United States, for the offences of another nation, proved, in the event, a prelude to the scenes of violence which Great Britain was then about to display, and which it would have been improper for the American negotiators to anticipate.

* See Mr. Canning's letter to the American Envoys, dated the 27th October, 1807.

† See the same letter.

‡ See the note of the British Commissioners, dated the 31st of December, 1806. See, also, the answer of Messrs. Monroe and Pinkney, to that note.

* See the act of Congress, passed the 18th of April, 1806; and the act suspending it, passed the 19th of December, 1806.

† See the note of the British Commissioners, dated the 8th November, 1806.

Causes and Character of the War.

For, if a commentary were wanting to explain the real design of such conduct, it would be found in the fact, that within eight days from the date of the treaty, and before it was possible for the British Government to have known the effect of the Berlin decree on the American Government; nay, even before the Government had itself heard of that decree, the destruction of American commerce was commenced by the Order in Council of the 7th of January, 1807, which announced, "that no vessel should be permitted to trade from one port to another, both which ports should belong to, or be in possession of, France, or her allies; or should be so far under their control, as that British vessels might not trade freely thereat.*"

During the whole period of this negotiation, which did not finally close until the British Government declared, in the month of October, 1807, that negotiation was no longer admissible, the course pursued by the British squadron, stationed more immediately on the American coast, was, in the extreme, vexatious, predatory, and hostile. The territorial jurisdiction of the United States, extending, upon the principles of the law of nations, at least a league over the adjacent ocean, was totally disregarded and contemned. Vessels employed in the coasting trade, or in the business of the pilot and the fisherman, were objects of incessant violence; their petty cargoes were plundered, and some of their scanty crews were often either impressed, or wounded, or killed, by the force of British frigates. British ships of war hovered, in warlike display, upon the coast; blockaded the ports of the United States, so that no vessel could enter, or depart, in safety; penetrated the bays and rivers, and even anchored in the harbors, of the United States, to exercise a jurisdiction of impressment; threatened the towns and villages with conflagration; and wantonly discharged musketry, as well as cannon, upon the inhabitants of an open and unprotected country. The neutrality of the American territory was violated on every occasion; and, at last, the American Government was doomed to suffer the greatest indignity which could be offered to a sovereign and independent nation, in the ever memorable attack of a British fifty gun ship, under the countenance of the British squadron, anchored within the waters of the United States, upon the frigate Chesapeake, peaceably prosecuting a distant voyage. The British Government affected, from time to time, to disapprove and condemn these outrages; but the officers who perpetrated them were generally applauded; if tried, they were acquitted; if removed from the American station, it was only to be promoted in another station; and if atonement were offered, as in the flagrant instance of the frigate Chesapeake, the atonement was so ungracious in the manner, and so tardy in the result, as to betray the want of that conciliatory spirit which ought to have characterized it.†

But the American Government, soothing the exasperated spirit of the people, by a proclamation, which interdicted the entrance of all British armed vessels, into the harbors and waters of the United States,* neither commenced hostilities against Great Britain, nor sought a defensive alliance with France, nor relaxed in its firm but conciliatory efforts to enforce the claims of justice upon the honor of both nations.

The rival ambition of Great Britain and France, now, however, approached the consummation, which, involving the destruction of all neutral rights, upon an avowed principle of action, could not fail to render an actual state of war, comparatively, more safe and more prosperous than the imaginary state of peace, to which neutrals were reduced. The just and impartial conduct of a neutral nation ceased to be its shield and its safeguard, when the conduct of the belligerent Powers towards each other became the only criterion of the law of war. The wrong committed by one of the belligerent Powers, was thus made the signal for the perpetration of a greater wrong by the other; and if the American Government complained to both Powers, their answer, although it never denied the cause of complaint, invariably retorted an idle and offensive inquiry into the priority of their respective aggressions; or each demanded a course of resistance, against its antagonist, which was calculated to prostrate the American right of self-government, and to coerce the United States, against their interest and their policy, into becoming an associate in the war. But the American Government never did, and never can, admit, that a belligerent Power, "in taking steps to restrain the violence of its enemy, and to retort upon them the evils of their own injustice,"‡ is entitled to disturb and to destroy the rights of a neutral Power, as recognised and established by the law of nations. It was impossible, indeed, that the real features of the mis-called retaliatory system, should be long masked from the world; when Great Britain, even in her acts of professed retaliation, declared that France was unable to execute the hostile denunciations of her decrees;§ and when Great Britain herself, unblushingly, entered into the same commerce with her enemy (through the medium of forgeries, perjuries, and licenses,) from which she had interdicted unoffending neutrals. The pride of naval superiority, and the cravings of commercial monopoly, gave, after all, the impulse and direction to the councils of the British Cabinet;

gress in November, 1806. See the documents respecting Captain Love, of the *Driver*; Captain Whitby, of the *Leander*, &c.

See also, the correspondence respecting the frigate *Chesapeake*, with Mr. Canning at London; with Mr. Rose, at Washington; and with Mr. Erskine, at Washington.

* See the proclamation of the 2d of July, 1807.

† See the Orders in Council of the 7th of January, 1807.

‡ See the Orders in Council of the 7th of January, 1807.

* See the Order in Council of January 7, 1807.

† See the evidence of these facts reported to Congress 13th Con. 3d Sess.—46

Causes and Character of the War.

while the vast, although visionary projects of France, furnished occasions and pretexts for accomplishing the objects of those councils.

The British Minister, resident at Washington, in the year 1804, having distinctly recognised, in the name of his Sovereign, the legitimate principles of blockade, the American Government received, with some surprise and solicitude, the successive notifications of the 9th of August, 1804, the 8th of April, 1806, and more particularly of the 16th of May, 1806, announcing, by the last notification, "a blockade of the coast, rivers, and ports, from the river Elbe to the port of Brest, both inclusive.*" In none of the notified instances of blockade, were the principles, that had been recognised in 1804, adopted and pursued; and it will be recollected by all Europe, that neither at the time of the notification of the 16th of May, 1806, nor at the time of excepting the Elbe and Ems from the operation of that notification,† nor at any time during the continuance of the French war, was there an adequate naval force, actually applied by Great Britain, for the purpose of maintaining a blockade from the river Elbe to the port of Brest. It was then, in the language of the day, "a mere paper blockade;" a manifest infraction of the law of nations; and an act of peculiar injustice to the United States, as the only neutral Power against which it could practically operate. But, whatever may have been the sense of the American Government on the occasion, and whatever might be the disposition to avoid making this the ground of an open rupture with Great Britain, the case assumed a character of the highest interest, when, independent of its own injurious consequences, France, in the Berlin decree of the 21st of November, 1806, recited, as a chief cause for placing the British islands in a state of blockade, "that Great Britain declares blockaded places before which she has not a single vessel of war; and even places, which her united forces would be incapable of blockading; such as entire coasts, and a whole empire: an unequalled abuse of the right of blockade, that had no other object, than to interrupt the communications of different nations; and to extend the commerce and industry of England, upon the ruin of those nations.‡" The American Government aims not, and never has aimed, at the justification, either of Great Britain or of France in their career of crimination and recrimination; but it is of some importance to observe, that, if the blockade of May, 1806, was an unlawful blockade, and if the right of retaliation arose with the first unlawful attack, made by a belligerent Power upon neutral rights, Great Britain has yet to answer to mankind, according to the rule of her own acknowledgment, for all the calamities of

the retaliatory warfare. France, whether right or wrong, made the British system of blockade the foundation of the Berlin decree; and France had an equal right with Great Britain to demand from the United States an opposition to every encroachment upon the privileges of the neutral character. It is enough, however, on the present occasion, for the American Government to observe that it possessed no power to prevent the framing of the Berlin decree, and to disclaim any approbation of its principles or acquiescence in its operation: for, it neither belonged to Great Britain nor to France to prescribe to the American Government the time or the mode, or the degree of resistance, to the indignities and the outrages with which each of those nations in its turn assailed the United States.

But it has been shown that, after the British Government possessed a knowledge of the existence of the Berlin decree, it authorized the conclusion of the Treaty with the United States, which was signed at London, on the 31st of December, 1806, reserving to itself a power of annulling the treaty, if France did not revoke, or if the United States, as a neutral Power, did not resist the obnoxious measure. It has also been shown, that before Great Britain could possibly ascertain the determination of the United States in relation to the Berlin decree, the Orders in Council of the 7th of January, 1807, were issued, professing to be a retaliation against France, "at a time when the fleets of France and her allies were themselves confined within their own ports, by the superior valor and discipline of the British navy," but operating in fact against the United States, as a neutral Power, to prohibit their trade "from one port to another, both which ports should belong to, or be in the possession of France or her allies, or should be so far under their control, as that British vessels might not trade freely thereat."* It remains, however, to be stated, that it was not until the 12th of March, 1807, that the British Minister, then residing at Washington, communicated to the American Government, in the name of his Sovereign, the Orders in Council of January, 1807, with an intimation that stronger measures would be pursued, unless the United States should resist the operations of the Berlin decree.† At the moment the British Government was reminded "that within the period of those great events which continued to agitate Europe, instances had occurred in which the commerce of neutral nations, more especially of the United States, had experienced the severest distresses from its own orders and measures, manifestly unauthorized by the law of nations;" assurances were given "that no culpable acquiescence on the part of the United States would render them accessory to the proceedings of one belligerent nation, through their rights of neutrality, against

* See Lord Harrowby's note to Mr. Monroe, dated the 9th of August, 1804; and Mr. Fox's notes to Mr. Monroe, dated respectively the 8th of April and the 16th of May, 1806.

† See Lord Howick's note to Mr. Monroe, dated the 25th of September, 1806.

‡ See the Berlin decree of the 21st November, 1806.

* See the Order in Council of the 7th of January, 1807.

† See Mr. Erskine's letter to the Secretary of State, dated the 12th of March, 1807.

Causes and Character of the War.

the commerce of its adversary;" and the right of Great Britain to issue such orders unless as orders of blockade, to be enforced according to the law of nations, was utterly denied.*

This candid and explicit avowal of the sentiments of the American Government, upon an occasion so novel and important in the history of nations, did not, however, make its just impression upon the British Cabinet; for, without assigning any new provocation on the part of France, and complaining merely, that neutral Powers had not been induced to interpose with effect, to obtain a revocation of the Berlin decree, (which, however, Great Britain herself had affirmed to be a decree nominal and inoperative,) the Orders in Council of the 11th of November, 1807, were issued, declaring "that all the ports and places of France and her allies, or of any other country at war with His Majesty and all other ports or places in Europe, from which, although not at war with His Majesty, the British flag was excluded, and all ports or places in the colonies belonging to His Majesty's enemies, should from thenceforth be subject to the same restrictions in point of trade and navigation, as if the same were actually blockaded by His Majesty's naval forces, in the most strict and rigorous manner;" that "all trade in articles which were the produce or manufacture of the said countries or colonies, should be deemed and considered to be unlawful," but that neutral vessels should still be permitted to trade with France from certain free ports, or through ports and places of the British dominions.† To accept the lawful enjoyment of a right as the grant of a superior, to prosecute a lawful commerce under the forms of favor and indulgence, and to pay a tribute to Great Britain for the privileges of a lawful transit on the ocean, were concessions which Great Britain was disposed insidiously to exact, by an appeal to the cupidity of individuals, but which the United States could never yield, consistently with the independence and the sovereignty of the nation. The Orders in Council were therefore altered, in this respect, at a subsequent period;‡ but the general interdict of neutral commerce, applying more especially to American commerce, was obstinately maintained, against all the force of reason, of remonstrance, and of protestation, employed by the American Government, when the subject was presented to its consideration by the British Minister residing at Washington. The fact assumed as the basis of the Orders in Council was unequivocally disowned; and it was demonstrated that, so far from its being true, "that the United States had acquiesced in an illegal operation of the Berlin decree, it was not even true, that at the date of the British Orders of the 11th of November, 1807, a single ap-

plication of that decree to the commerce of the United States on the high seas, could have been known to the British Government;" while the British Government had been officially informed by the American Minister at London, "that explanations, uncontradicted by any overt act, had been given to the American Minister at Paris, which justified a reliance that the French decree would not be put in force against the United States.*

The British orders of the 11th of November, 1807, were quickly followed by the French decree of Milan, dated the 17th of December, 1807, "which was said to be resorted to only in just retaliation of the barbarous system adopted by England," and in which the denationalizing tendency of the orders is made the foundation of a declaration in the decree, "that every ship, to whatever nation it might belong, that should have submitted to be searched by an English ship, or to a voyage to England, or should have paid any tax whatsoever to the English Government, was thereby, and for that alone, declared to be denationalized, to have forfeited the protection of its Sovereign, and to have become English property, subject to capture, as good and lawful prize; that the British islands were placed in a state of blockade, both by sea and land; and every ship, of whatever nation, or whatever the nature of its cargo might be, that sails from the ports of England, or those of the English colonies, and of the countries occupied by English troops, and proceeding to England, or to the English colonies, or to countries occupied by English troops, should be good and lawful prize; but that the provisions of the decree should be abrogated and null, in fact, as soon as the English should abide again by the principles of the law of nations, which are also the principles of justice and honor."† In opposition, however, to the Milan decree, as well as to the Berlin decree, the American Government strenuously and unceasingly employed every instrument, except the instruments of war. It acted precisely towards France as it acted towards Great Britain, on similar occasions; but France remained, for a time, as insensible to the claims of justice and honor as Great Britain; each imitating the other in extravagance of pretension, and in obstinacy of purpose.

When the American Government received intelligence that the orders of the 11th of November, 1807, had been under the consideration of the British Cabinet, and were actually prepared for promulgation, it was anticipated that France, in a zealous prosecution of the retaliatory warfare, would soon produce an act of at least equal injustice and hostility. The crisis existed, therefore, at which the United States were compelled to decide, either to withdraw their seafaring citizens and their commercial wealth from the ocean, or to leave the interests of the mariner and the

* See the Secretary of State's letter to Mr. Erskine, dated the 20th of March, 1807.

† See the Orders in Council of the 11th of November, 1807.

‡ See Mr. Canning's letter to Mr. Pinkney, 23d February, 1808.

* See Mr. Erskine's letter to the Secretary of State, dated the 22d of February, 1808, and the answer of the Secretary of State, dated the 25th of March, 1808.

† See the Milan decree of the 17th of Dec., 1807.

Causes and Character of the War.

merchant exposed to certain destruction; or to engage in open and active war for the protection and defence of those interests. The principles and the habits of the American Government were still disposed to neutrality and peace. In weighing the nature and the amount of the aggressions which had been perpetrated, or which were threatened, if there were any preponderance to determine the balance against one of the belligerent Powers rather than the other, as the object of a declaration of war, it was against Great Britain, at least upon the vital interest of impressment, and the obvious superiority of her naval means of annoyance. The French decrees were, indeed, as obnoxious in their formation and design as the British orders; but the Government of France claimed and exercised no right of impressment; and the maritime spoiliations of France were comparatively restricted, not only by her own weakness on the ocean, but by the constant and pervading vigilance of the fleets of her enemy. The difficulty of selection, the indiscretion of encountering at once both of the offending Powers, and, above all, the hope of an early return of justice, under the dispensations of the ancient public law, prevailed in the councils of the American Government; and it was resolved to attempt the preservation of its neutrality and its peace, of its citizens and its resources, by a voluntary suspension of the commerce and navigation of the United States. It is true, that for the minor outrages committed, under the pretext of the rule of war of 1756, the citizens of every denomination had demanded from their Government, in the year 1805, protection and redress; it is true, that for the unparalleled enormities of the year 1807, the citizens of every denomination again demanded from their Government protection and redress; but it is also a truth, conclusively established by every manifestation of the sense of the American people, as well as of their Government, that any honorable means of protection and redress were preferred to the last resort of arms. The American Government might honorably retire, for a time, from the scene of conflict and collision; but it could no longer, with honor, permit its flag to be insulted, its citizens to be enslaved, and its property to be plundered, on the highway of nations.

Under these impressions, the restrictive system of the United States was introduced. In December, 1807, an embargo was imposed upon all American vessels and merchandise;* on principles similar to those which originated and regulated the embargo law, authorized to be laid by the President of the United States, in the year 1794; but soon afterwards, in the genuine spirit of the policy that prescribed the measure, it was declared by law, "that in the event of such peace, or suspension of hostilities, between the belligerent Powers of Europe, or such changes in their measures affecting neutral commerce, as might render that of the United States safe, in the judgment of the President of the United States, he was

authorized to suspend the embargo, in whole or in part."² The pressure of the embargo was thought however, so severe upon every part of the community, that the American Government, notwithstanding the neutral character of the measure, determined upon some relaxation; and, accordingly, the embargo being raised, as to all other nations, a system of non-intercourse and non-importation was substituted in March, 1809, as to Great Britain and France, which prohibited all voyages to the British or French dominions, and all trade in articles of British or French product or manufacture.† But still adhering to the neutral and pacific policy of the Government, it was declared, "that the President of the United States should be authorized, in case either France or Great Britain should so revoke or modify her edicts, as that they should cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States might be renewed with the nation so doing."³ These appeals to the justice and the interests of the belligerent Powers proving ineffectual, and the necessities of the country increasing, it was finally resolved, by the American Government, to take the hazards of a war; to revoke its restrictive system; and to exclude British and French armed vessels from the harbors and waters of the United States; but, again, emphatically to announce, "that in case either Great Britain or France should, before the 3d of March, 1811, so revoke, or modify, her edicts, as that they should cease to violate the neutral commerce of the United States; and if the other nation should not, within three months thereafter, so revoke, or modify, her edicts, in like manner," the provisions of the non-intercourse and non-importation law should, at the expiration of three months, be revived against the nation refusing or neglecting to revoke or modify its edicts.‡

In the course which the American Government had hitherto pursued, relative to the belligerent orders and decrees, the candid foreigner, as well as the patriotic citizen, may perceive an extreme solicitude for the preservation of peace; but, in the publicity and impartiality of the overture, that was thus spread before the belligerent Powers, it is impossible that any indication should be found of foreign influence or control. The overture was urged upon both nations for acceptance at the same time, and in the same manner; nor was an intimation withheld, from either of them, that "it might be regarded by the belligerent first accepting it, as a promise to itself, and a warning to its enemy."⁴ Each of the nations, from the

* See the act of Congress, passed the 22d of April, 1808.

† See the act of Congress, passed the first day of March, 1809.

‡ See the 11th section of the last cited act of Congress.

§ See the act of Congress, passed May 1, 1810.

§ See the correspondence between the Secretary of State, and the American Ministers at London and Paris.

* See the act of Congress, passed the 22d of December, 1807.

Causes and Character of the War.

commencement of the retaliatory system, acknowledged that its measures were violations of public law; and each pledged itself to retract them, whenever the other should set the example.* Although the American Government, therefore, persisted in its remonstrances against the original transgressions, without regard to the question of their priority, it embraced, with eagerness, every hope of reconciling the interests of the rival Powers, with a performance of the duty which they owed to the neutral character of the United States; and when the British Minister, residing at Washington, in the year 1809, affirmed, in terms as plain and as positive as language could supply, "that he was authorized to declare, that His Britannic Majesty's Orders in Council of January and November, 1807, will have been withdrawn, as respects the United States, on the 10th day of June, 1809," the President of the United States hastened, with approved liberality, to accept the declaration as conclusive, that the promised fact would exist, at the stipulated period; and, by an immediate proclamation, he announced, "that after the 10th day of June next, the trade of the United States with Great Britain, as suspended by the non-intercourse law, and by the acts of Congress laying and enforcing an embargo, might be renewed."† The American Government neither asked nor received, from the British Minister, an exemplification of his powers, an inspection of his instructions, nor the solemnity of an Order in Council; but executed the compact, on the part of the United States, in all the sincerity of its own intentions and in all the confidence which the official act of the representative of His Britannic Majesty was calculated to inspire. The act, and the authority for the act, were, however, disavowed by Great Britain; and an attempt was made, by the successor of Mr. Erskine, through the aid of insinuations, which were indignantly repulsed, to justify the British rejection of the Treaty of 1809, by referring to the American rejection of the Treaty of 1806; forgetful of the essential points of difference, that the British Government, on the former occasion, had been explicitly apprized by the American negotiators of their defect of power; and that the execution of the projected treaty had not, on either side, been commenced.‡

After this abortive attempt to obtain a just and honorable revocation of the British Orders in Council, the United States were again invited to indulge the hope of safety and tranquillity, when the Minister of France announced to the American Minister at Paris, that, in consideration of the act of the first of May, 1809, by which the Congress of the United States "engaged to oppose itself to that one of the belligerent Powers,

which should refuse to acknowledge the rights of neutrals, he was authorized to declare, that the decrees of Berlin and Milan were revoked, and that after the first of November, 1810, they would cease to have effect, it being understood, that in consequence of that declaration, the English should revoke their Orders in Council, and renounce the new principles of blockade, which they had wished to establish; or that the United States, conformably to the act of Congress, should cancel their rights to be respected by the English."* This declaration, delivered by the official organ of the Government of France, and in the presence, as it were, of the French Sovereign, was of the highest authority, according to all the rules of diplomatic intercourse; and, certainly, far surpassed any claim of credence which was possessed by the British Minister, residing at Washington, when the arrangement of the year 1809 was accepted and executed by the American Government. The President of the United States, therefore, owed to the consistency of his own character, and to the dictates of a sincere impartiality, a prompt acceptance of the French overture: and, accordingly, the authoritative promise, that the fact should exist, at the stipulated period, being again admitted as conclusive evidence of its existence, a proclamation was issued on the 2d of November, 1810, announcing, "that the edicts of France had been so revoked, as that they ceased, on the first day of the same month, to violate the neutral commerce of the United States; and that all the restrictions imposed by the act of Congress should then cease and be discontinued, in relation to France and her dependencies."† That France, from this epoch, refrained from all aggressions, on the high seas, or even in her own ports, upon the persons and the property of the citizens of the United States, never was asserted; but, on the contrary, her violence and her spoiliations have been unceasing causes of complaint. These subsequent injuries, constituting a part of the existing reclamations of the United States, were always, however, disavowed by the French Government; while the repeal of the Berlin and Milan decree has, on every occasion, been affirmed; inasmuch that Great Britain herself was, at last, compelled to yield to the evidence of the fact.

On the expiration of three months from the date of the President's proclamation, the non-intercourse and non importation law was, of course, to be revived against Great Britain, unless, during that period, her Orders in Council should be revoked. The subject was, therefore, most anxiously, and most steadily, pressed upon the justice and the magnanimity of the British Government; and even when the hope of success expired, by the lapse of the period prescribed in one act of Congress, the United States opened the door of reconciliation by another act, which,

* See the documents laid before Congress from time to time, by the President, and printed.

† See the correspondence between Mr. Erskine, the British Minister, and the Secretary of State, on the 17th, 18th, and 19th of April, 1809; and the President's proclamation of the last date.

‡ See the correspondence between the Secretary of State, and Mr. Jackson, the British Minister.

* See the Duke de Cadore's letter to Mr. Armstrong, dated the 5th of August, 1810.

† See the President's proclamation of the 2d of November, 1810.

Causes and Character of the War.

in the year 1811, again provided, that, in case, at any time, "Great Britain should so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, the President of the United States should declare the fact by proclamation; and that the restrictions, previously imposed, should, from the date of such proclamation, cease and be discontinued."* But, unhappily, every appeal to the justice and magnanimity of Great Britain was now, as heretofore, fruitless and forlorn. She had, at this epoch, impressed from the crews of American merchant vessels, peaceably navigating the high seas, not less than six thousand mariners, who claimed to be citizens of the United States, and who were denied all opportunity to verify their claims. She had seized and confiscated the commercial property of American citizens to an incalculable amount. She had united in the enormities of France, to declare a great proportion of the terraqueous globe in a state of blockade; chasing the American merchant flag effectually from the ocean. She had contemptuously disregarded the neutrality of the American territory, and the jurisdiction of the American laws, within the waters and harbors of the United States. She was enjoying the emoluments of a surreptitious trade, stained with every species of fraud and corruption, which gave to the belligerent Powers the advantages of peace, while the neutral Powers were involved in the evils of war. She had, in short, usurped and exercised, on the water, a tyranny similar to that which her great antagonist had usurped and exercised upon the land. And, amidst all these proofs of ambition and avarice, she demanded that the victims of her usurpations and her violence should reverence her as the sole defender of the rights and liberties of mankind.

When, therefore, Great Britain, in manifest violation of her solemn promises, refused to follow the example of France, by the repeal of her Orders in Council, the American Government was compelled to contemplate a resort to arms, as the only remaining course to be pursued for its honor, its independence, and its safety. Whatever depended upon the United States themselves, the United States had performed for the preservation of peace, in resistance of the French decrees as well as of the British orders. What had been required from France, in its relation to the neutral character of the United States, France had performed, by the revocation of its Berlin and Milan decrees. But what depended upon Great Britain, for the purposes of justice, in the repeal of her Orders in Council, was withheld, and new evasions were sought when the old were exhausted. It was, at one time, alleged, that satisfactory proof was not afforded that France had repealed her decrees against the commerce of the United States; as if such proof alone were wanting to insure the performance of the British promise.†

At another time it was insisted that the repeal of the French decrees, in their operation against the United States, in order to authorize a demand for the performance of the British promise, must be total, applying equally to their internal and their external effects, as if the United States had either the right or the power to impose upon France the law of her domestic institutions.* And it was finally insisted, in a despatch from Lord Castlereagh to the British Minister residing at Washington, in the year 1812, which was officially communicated to the American Government, "that the decrees of Berlin and Milan must not be repealed singly and specially in relation to the United States, but must be repealed also as to all other neutral nations, and that in no less extent of a repeal of the French decrees, had the British Government ever pledged itself to repeal the Orders in Council;†" as if it were incumbent on the United States, not only to assert her own rights, but to become the coadjutor of the British Government in a gratuitous assertion of the rights of all other nations.

The Congress of the United States could pause no longer, under a deep and afflicting sense of the national wrongs. While they "postponed definitive measures with respect to France, in the expectation that the result of unclosed discussions between the American Minister at Paris and the French Government, would speedily enable them to decide, with greater advantage, on the course due to the rights, the interests, and the honor of the country;‡" they pronounced a deliberate and solemn declaration of war, between Great Britain and the United States, on the 18th of June, 1812.

But it is in the face of all the facts which have been displayed in the present narrative, that the Prince Regent, by his declaration of January, 1813, describes the United States as the aggressor in the war. If the act of declaring war constitutes, in all cases, the act of original aggression, the United States must submit to the severity of the reproach; but if the act of declaring war may be more truly considered as the result of long suffering, and necessary self-defence, the American Government will stand acquitted, in the sight of Heaven and of the world. Have the United States, then, enslaved the subjects, confiscated the property, prostrated the commerce, insulted the flag, or violated the territorial sovereignty of Great Britain? No; but in all these respects the United States had suffered, for a long period of years previous to the declaration of war, the contumely and outrage of the British Government. It has been said, too, as an aggravation of the imputed aggression, that the United States chose a period for the declaration of war when Great Britain was struggling for her own existence,

* See the letters of Mr. Erskine.

† See the correspondence between the Secretary of State and Mr. Foster, the British Minister, in June, 1812.

‡ See the President's Message of the 1st of June, 1812, and the report of the Committee of Foreign Relations, to whom the Message was referred.

* See the act of Congress passed March 2, 1811.

† See the correspondence between Mr. Pinkney and the British Government.

Causes and Character of the War.

against a power which threatened to overthrow the independence of all Europe; but it might be more truly said that the United States, not acting upon choice, but upon compulsion, delayed the declaration of war, until the persecutions of Great Britain had rendered further delay destructive and disgraceful. Great Britain had converted the commercial scenes of American opulence and prosperity, into scenes of comparative poverty and distress; she had brought the existence of the United States, as an independent nation, into question; and surely it must have been indifferent to the United States whether they ceased to exist as an independent nation, by her conduct while she professed friendship, or by her conduct when she avowed enmity and revenge. Nor is it true that the existence of Great Britain was in danger at the epoch of the declaration of war. The American Government uniformly entertained an opposite opinion, and at all times saw more to apprehend for the United States, from her maritime power, than from the territorial power of her enemy. The event has justified the opinion and the apprehension. But what the United States asked, as essential to their welfare, and even as beneficial to the allies of Great Britain in the European war, Great Britain, it is manifest, might have granted, without impairing the resources of her own strength, or the splendor of her own sovereignty; for her Orders in Council have been since revoked, not, it is true, as the performance of her promise to follow in this respect the example of France, since she finally rested the obligation of that promise upon a repeal of the French decrees as to all nations, and the repeal was only as to the United States; nor as an act of national justice towards the United States, but simply as an act of domestic policy, for the special advantage of her own people.

The British Government has also described the war as a war of aggrandizement and conquest on the part of the United States; but where is the foundation for the charge? While the American Government employed every means to dissuade the Indians, even those who lived within the territory, and were supplied by the bounty of the United States from taking any part in the war,* the proofs were irresistible that the enemy pursued a very different course,† and that every precaution would be necessary to prevent the effects of an offensive alliance between the British troops and the savages throughout the northern frontier of the United States. The military occupation of Upper Canada was, therefore, deemed indispensable to the safety of that frontier in the earliest movements of the war, independent of all views of extending the territorial boundary of the United States. But when war was declared, in

resentment for injuries which had been suffered upon the Atlantic, what principle of public law, what modification of civilized warfare, imposed upon the United States the duty of abstaining from the invasion of the Canadas? It was there alone that the United States could place themselves upon an equal footing of military force with Great Britain; and it was there that they might reasonably encourage the hope of being able, in the prosecution of a lawful retaliation, "to restrain the violence of the enemy, and to retort upon him the evils of his own injustice." The proclamations issued by the American commanders, on entering Upper Canada, have, however, been adduced by the British negotiators at Ghent as the proofs of a spirit of ambition and aggrandizement on the part of their Government. In truth, the proclamations were not only unauthorized and disapproved, but were infractions of the positive instructions which had been given for the conduct of the war in Canada. When the General commanding the Northwestern Army of the United States received, on the 24th of June, 1812, his first authority to commence offensive operations, he was especially told that "he must not consider himself authorized to pledge the Government to the inhabitants of Canada, further than assurances of protection in their persons, property, and rights." And on the ensuing 1st of August it was emphatically declared to him, "that it had become necessary that he should not lose sight of the instructions of the 24th of June, as any pledge beyond that was incompatible with the views of the Government." Such was the nature of the charge of American ambition and aggrandizement, and such the evidence to support it.

The Prince Regent has, however, endeavored to add to these unfounded accusations a stigma at which the pride of the American Government revolts. Listening to the fabrications of British emissaries; gathering scandals from the abuses of a free press; and misled, perhaps, by the asperities of a party spirit, common to all free Governments, he affects to trace the origin of the war to "a marked partiality in palliating and assisting the aggressive tyranny of France," and "to the prevalence of such councils as associated the United States in policy with the Government of that nation."‡ The conduct of the American Government is now open to every scrutiny, and its vindication is inseparable from a knowledge of the facts. All the world must be sensible, indeed, that neither in the general policy of the late ruler of France, nor in his particular treatment of the United States, could there exist any political or rational foundation for the sympathies and associations, overt or clandestine, which have been rudely and unfairly suggested. It is equally obvious that nothing short of the aggressive

* See the proceedings at the councils, held with the Indians during the expedition under Brigadier General Hull, and the talk delivered by the President of the United States to the Six Nations, at Washington, on the 8th of April, 1813.

† See the documents laid before Congress on the 13th June, 1812.

* See the letter from the Secretary of the War Department, to Brigadier General Hull, dated the 24th of June, and the 1st of August, 1812.

‡ See the British Declaration, of the 10th of January, 1813.

Causes and Character of the War.

tyranny exercised by Great Britain towards the United States, could have counteracted and controlled those tendencies to peace and amity which derived their impulse from natural and social causes combining the affections and interests of the two nations. The American Government, faithful to that principle of public law which acknowledges the authority of all Governments established *de facto*, and conforming its practice in this respect to the example of Europe, has never contested the validity of the Governments successively established in France; nor refrained from that intercourse with either of them, which the just interests of the United States required. But the British Cabinet is challenged to produce, from the recesses of its secret, or of its public archives, a single instance of unworthy concession, or political alliance and combination, throughout the intercourse of the United States, with the revolutionary rulers of France. Was it the influence of French councils, that induced the American Government to resist the pretensions of France, in 1793, and to encounter her hostilities in 1798? that led to the ratification of the British Treaty in 1795; to the British negotiation in 1805, and to the Convention with the British Minister in 1809? that dictated the impartial overtures, which were made to Great Britain, as well as to France, during the whole period of the restrictive system? that produced the determination to avoid making any treaty, even a treaty of commerce with France, until the outrage of the Rambouillet decree was repaired?* that sanctioned the repeated and urgent efforts of the American Government, to put an end to the war, almost as soon as it was declared? or that, finally, prompted the explicit communication, which, in pursuance of instructions, was made by the American Minister, at St. Petersburg, to the Court of Russia, stating, "that the principal subjects of discussion, which had long been subsisting between the United States and France, remained unsettled; that there was no immediate prospect, that there would be a satisfactory settlement of them; but that, whatever the event, in that respect, might be, it was not the intention of the Government of the United States to enter into any more intimate connexions with France; that the Government of the United States did not anticipate any event whatever, that could produce that effect; and that the American Minister was the more happy to find himself authorized by his Government to avow this intention, as different representations of their views had been widely circulated, as well in Europe as in America."† But, while every act of the American Government thus falsifies the charge of a subservience to the policy of France, it may be justly remarked, that of all the Governments maintaining a necessary relation and intercourse with that nation,

from the commencement to the recent termination of the revolutionary establishments, it has happened, that the Government of the United States has least exhibited marks of condescension and concession to the successive rulers. It is for Great Britain, more particularly, as an accuser, to examine and explain the consistency of the reproaches, which she has uttered against the United States, with the course of her own conduct; with her repeated negotiations, during the republican, as well as during the imperial, sway of France; with her solicitude to make and to propose treaties; with her interchange of commercial benefits, so irreconcilable to a state of war; with the almost triumphant entry of a French ambassador into her capital, amidst the acclamations of the populace; and with the prosecution, instituted, by the orders of the King of Great Britain himself, in the highest court of criminal jurisdiction in his Kingdom, to punish the printer of a gazette, for publishing a libel on the conduct and character of the late Ruler of France! Whatever may be the source of these symptoms, however they may indicate a subservient policy, such symptoms have never occurred in the United States, throughout the imperial Government of France.

The conduct of the United States, from the moment of declaring the war, will serve, as well as their previous conduct, to rescue them from the unjust reproaches of Great Britain. When war was declared, the Orders in Council had been maintained, with inexorable hostility, until a thousand American vessels and their cargoes had been seized and confiscated under their operation; the British Minister at Washington had, with peculiar solemnity, announced that the orders would not be repealed, but upon conditions, which the American Government had not the right, nor the power to fulfil; and the European war, which had raged, with little intermission, for twenty years, threatened an indefinite continuance. Under these circumstances, a repeal of the orders, and a cessation of the injuries which they produced, were events beyond all rational anticipation. It appears, however, that the orders, under the influence of a parliamentary inquiry into their effects upon the trade and manufactures of Great Britain, were provisionally repealed on the 23d of June, 1812, a few days subsequent to the American declaration of war. If this repeal had been made known to the United States, before their resort to arms, the repeal would have arrested it; and that cause of war being removed, the other essential cause, the practice of impressment, would have been the subject of renewed negotiation, under the auspicious influence of a partial, yet important, act of reconciliation. But the declaration of war having announced the practice of impressment as a principal cause, peace could only be the result of an express abandonment of the practice; of a suspension of the practice, for the purposes of negotiation; or of a cessation of actual sufferance, in consequence of a pacification in Europe, which would deprive Great Britain of every motive for continuing the practice.

* See the instructions from the Secretary of State to the American Minister at Paris, dated May 29, 1813.

† See Mr. Monroe's letter to Mr. Adams, dated the 1st of July, 1812, and Mr. Adams' letter to Mr. Monroe, dated the 11th of December, 1812.

Causes and Character of the War.

Hence, when early intimations were given from Halifax and from Canada, of a disposition, on the part of the local authorities, to enter into an armistice, the power of those authorities was so doubtful, the objects of the armistice were so limited, and the immediate advantages of the measure were so entirely on the side of the enemy, that the American Government could not, consistently with its duty, embrace the propositions.* But some hope of an amicable adjustment was inspired, when a communication was received from Admiral Warren, in September, 1812, stating that he was commanded by his Government to propose, on the one hand, "that the Government of the United States should instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territories of His Majesty, or the persons or property of his subjects;" and to promise, on the other hand, if the American Government acquiesced in the preceding proposition, that instructions should be issued to the British squadrons, to discontinue hostilities against the United States and their citizens. This overture, however, was subject to a further qualification, "that, should the American Government accede to the proposal for terminating hostilities, the British Admiral was authorized to arrange with the American Government, as to the revocation of the laws which interdict the commerce and ships of war of Great Britain from the harbors and waters of the United States; but that, in default of such revocation within the reasonable period to be agreed upon, the orders in Council would be revived."† The American Government at once expressed a disposition to embrace the general proposition for a cessation of hostilities, with a view to negotiation; declared that no peace could be durable, unless the essential object of impressment was adjusted; and offered, as a basis of the adjustment, to prohibit the employment of British subjects in the naval or commercial service of the United States; but adhering to its determination of obtaining a relief from actual sufferance, the suspension of the practice of impressment pending the proposed armistice, was deemed a necessary consequence; for "it could not be presumed, while the parties were engaged in a negotiation to adjust amicably this important difference, that the United States would admit the right, or acquiesce in the practice of the opposite party; or that Great Britain would be unwilling to restrain her cruisers from a practice which would have the strongest effect

to defeat the negotiation."‡ So just, so reasonable, so indispensable a preliminary, without which the citizens of the United States, navigating the high seas, would not be placed, by the armistice, on an equal footing with the subjects of Great Britain, Admiral Warren was not authorized to accept; and the effort at an amicable adjustment, through that channel, was necessarily abortive.

But long before the overture of the British Admiral was made, (a few days, indeed, after the declaration of war,) the reluctance with which the United States had resorted to arms was manifested by the steps taken to arrest the progress of hostilities, and to hasten a restoration of peace. On the 26th day of June, 1812, the American Chargé d'Affairs, at London, was instructed to make the proposal of an armistice to the British Government which might lead to an adjustment of all differences, on the single condition, in the event of the Orders in Council being repealed, that instructions should be issued, suspending the practice of impressment during the armistice. This proposal was soon followed by another, admitting, instead of positive instructions, an informal understanding between the two Governments on the subject.‡ But both of these proposals were, unhappily, rejected.‡ And when a third, which seemed to leave no plea for hesitation, as it required no other preliminary, than that the American Minister, at London, should find in the British Government a sincere disposition to accommodate the difference relative to impressment, on fair conditions, was evaded, it was obvious, that neither a desire of peace, nor a spirit of conciliation, influenced the councils of Great Britain.

Under these circumstances, the American Government had no choice but to invigorate the war; and yet it has never lost sight of the object of all just wars, a just peace. The Emperor of Russia having offered his mediation, to accomplish that object, it was instantly and cordially accepted by the American Government;|| but it was peremptorily rejected by the British Government. The Emperor, in his benevolence, repeated his invitation; the British Government again rejected it. At last, however, Great Britain, sensible of the reproach to which such conduct would expose her throughout Europe, offered to the American Government a direct negotiation for peace, and the offer was promptly embraced; with perfect confidence that the British Government would be equally prompt in giving effect to its own pro-

* See the letters from the Department of State to Mr. Russell, dated the 9th and 10th of August, 1812, and Mr. Graham's memorandum of a conversation with Mr. Baker, the British secretary of legation, enclosed in the last letter.

See, also, Mr. Monroe's letter to Mr. Russell, dated the 21st of August, 1812.

See the letters of Admiral Warren to the Secretary of State, dated at Halifax, the 20th of September, 1812.

* See the letter of Mr. Monroe to Admiral Warren, dated the 20th of October, 1812.

† See the letters from the Secretary of State to Mr. Russell, dated the 26th of June and 27th of July, 1812.

‡ See the correspondence between Mr. Russell and Lord Castlereagh, dated August and September, 1812; and Mr. Russell's letters to the Secretary of State, dated September, 1812.

|| See the correspondence between Mr. Monroe and Mr. Daschkoff, in March, 1813.

Causes and Character of the War.

posals. But such was not the design, or the course, of that Government. The American Envoys were immediately appointed, and arrived at Gottenburg, the destined scene of negotiation, on the 11th of April, 1814, as soon as the season admitted. The British Government, though regularly informed that no time would be lost on the part of the United States, suspended the appointment of its Envoys, until the actual arrival of the American Envoys should be formally communicated. This pretension, however novel and inauspicious, was not permitted to obstruct the path to peace. The British Government next proposed to transfer the negotiation from Gottenburg to Ghent. This change, also, notwithstanding the necessary delay, was allowed. The American Envoys, arriving at Ghent on the 24th of June, remained in a mortifying state of suspense and expectation, for the arrival of the British Envoys, until the 6th of August. And from the period of opening the negotiations, to the date of the last despatch of the 31st of October, it has been seen, that the whole of the diplomatic skill of the British Government has consisted in consuming time, without approaching any conclusion. The pacification of Paris had suddenly and unexpectedly placed at the disposal of the British Government, a great naval and military force; the pride and passions of the nation were artfully excited against the United States; and a war of desperate and barbarous character was planned, at the very moment that the American Government, finding its maritime citizens relieved, by the course of events, from actual sufferance, under the practice of impressment, had authorized its Envoys to waive those stipulations upon the subject, which might, otherwise, have been indispensable precautions.

Hitherto, the American Government has shown the justice of its cause, its respect for the rights of other nations, and its inherent love of peace. But the scenes of the war, will, also, exhibit a striking contrast, between the conduct of the United States and the conduct of Great Britain. The same insidious policy, which taught the Prince Regent to describe the American Government as the aggressor in the war, has induced the British Government (clouding the daylight truth of the transaction) to call the atrocities of the British fleets and armies, a retaliation upon the example of the American troops in Canada. The United States tender a solemn appeal to the civilized world, against the fabrication of such a charge; and they vouch, in support of their appeal, the known morals, habits, and pursuits of their people; the character of their civil and political institutions; and the whole career of their navy and their army, as humane, as it is brave. Upon what pretext did the British Admiral, on the 18th of August, 1814, announce his determination, "to destroy and lay waste such towns and districts, upon the coast, as might be found assailable?"*

*See Admiral Cochrane's letter to Mr. Monroe, dated the 18th of August, 1814; and Mr. Monroe's answer of the 6th September, 1814.

It was the pretext of a request from the Governor General of the Canadas, for aid to carry into effect measures of retaliation; while, in fact, the barbarous nature of the war had been deliberately settled and prescribed by the British Cabinet. What could have been the foundation of such a request? The outrages, and the irregularities, which too often occur during a state of national hostilities, in violation of the laws of civilized warfare, are always to be lamented, disavowed, and repaired, by a just and honorable Government; but if disavowal be made, and if reparation be offered, there is no foundation for retaliatory violence. "Whatever unauthorized irregularity may have been committed by any of the troops of the United States, the American Government has been ready, upon principles of sacred and eternal obligation, to disavow, and, as far as it might be practicable, to repair."† In every known instance (and they are few) the offenders have been subjected to the regular investigation of a military tribunal; and an officer commanding a party of stragglers, who were guilty of unworthy excesses, was immediately dismissed without the form of a trial for not preventing those excesses. The destruction of the village of Newark, adjacent to Fort George, on the 10th of December, 1813, was long subsequent to the pillage and conflagration committed on the shores of the Chesapeake, throughout the Summer of the same year; and might fairly have been alleged as a retaliation for those outrages; but, in fact, it was justified by the American commander who ordered it, on the ground that it became necessary to the military operations at that place;‡ while the American Government, as soon as it heard of the act, on the 6th of January, 1814, instructed the General commanding the Northern army, "to disavow the conduct of the officer who committed it; and to transmit to Governor Prevost a copy of the order under color of which that officer had acted."§ This disavowal was accordingly communicated; and on the 10th of February, 1814, Governor Prevost answered, "that it had been with great satisfaction he had received the assurance, that the perpetration of the burning of the town of Newark was both unauthorized by the American Government, and abhorrent to every American feeling; that if any outrages had ensued the wanton and unjustifiable destruction of Newark, passing the bounds of just retaliation, they were to be attributed to the influence of irritated passions on the part of the unfortunate sufferers by that event, which, in a state of active warfare, it has not been possible altogether to restrain; and that it was as little congenial to the disposition of His Majesty's Government as it was to that of the Government of the United States, deliberately to adopt any plan of policy which had for

* See the letter from the Secretary at War to Brigadier General McClure, dated the 4th of October, 1813.

† General McClure's letters to the Secretary at War, dated December 10 and 13, 1813.

‡ See the letter from the Secretary at War, to Major General Wilkinson, dated the 26th of January, 1814.

Causes and Character of the War.

its object the devastation of private property.* But the disavowal of the American Government was not the only expiation of the offence committed by its officer; for the British Government assumed the province of redress in the indulgence of its own vengeance. A few days after the burning of Newark, the British and Indian troops crossed the Niagara for this purpose; they surprised and seized Fort Niagara, and put its garrison to the sword; they burnt the villages of Lewistown, Manchester, Tuscarora, Buffalo, and Black Rock; slaughtering and abusing the unarmed inhabitants; until, in short, they had laid waste the whole of the Niagara frontier, levelling every house and every hut, and dispersing beyond the means of shelter, in the extremity of the winter, the male and the female, the old and the young. Sir George Prevost himself appears to have been sated with the ruin and the havoc which had been thus inflicted. In his proclamation of the 12th of January, 1814, he emphatically declared, that for the burning of Newark, "the opportunity of punishment had occurred, and a full measure of retaliation had taken place;" and "that it was not his intention to pursue further a system of warfare so revolting to his own feelings and so little congenial to the British character unless the future measures of the enemy should compel him again to resort to it."† Nay, with his answer to the American General, already mentioned, he transmitted "a copy of that proclamation as expressive of the determination as to his future line of conduct;" and added, "that he was happy to learn that there was no probability that any measures on the part of the American Government would oblige him to depart from it."‡ Where, then, shall we search for the foundation of the call upon the British Admiral, to aid the Governor of Canada in measures of retaliation? Great Britain forgot the principle of retaliation when her Orders in Council were issued against the unoffending neutral, in resentment of outrages committed by her enemy; and surely she had again forgotten the same principle when she threatened an unceasing violation of the laws of civilized warfare in retaliation for injuries which never existed, or which the American Government had explicitly disavowed, or which had been already avenged by her own arms, in a manner and a degree cruel and unparalleled. The American Government, after all, has not hesitated to declare, that "for the reparation of injuries, of whatever nature they may be, not sanctioned by the law of nations, which the military or naval force of either Power might have committed against the other, it would al-

ways be ready to enter into reciprocal arrangements; presuming that the British Government would neither expect nor propose any which were not reciprocal.*

It is now, however, proper to examine the character of the warfare which Great Britain has waged against the United States. In Europe, it has already been marked with astonishment and indignation, as a warfare of the tomahawk, the scalping knife, and the torch; as a warfare incompatible with the usages of civilized nations; as a warfare, that, disclaiming all moral influence, inflicts an outrage upon social order, and gives a shock to the very elements of humanity. All belligerent nations can form alliances with the savage, the African, and the bloodhound; but what civilized nation has selected these auxiliaries, in its hostilities? It does not require the fleets and armies of Great Britain to lay waste an open country; to burn unfortified towns, or unprotected villages; nor to plunder the merchant, the farmer, and the planter, of his stores: these exploits may easily be achieved by a single cruiser, or a petty privateer; but when have such exploits been performed on the coasts of the continent of Europe, or of the British islands, by the naval and military force of any belligerent Power; or when have they been tolerated by any honorable Government, as the predatory enterprise of armed individuals? Nor is the destruction of the public edifices, which adorn the metropolis of a country, and serve to commemorate the taste and science of the age, beyond the sphere of action of the vilest incendiary, as well as of the most triumphant conqueror. It cannot be forgotten, indeed, that in the course of ten years past, the capitals of the principal Powers of Europe have been conquered, and occupied alternately, by the victorious armies of each other; † and yet there has been no instance of a conflagration of the palaces, the temples, or the halls of justice. No; such examples have proceeded from Great Britain alone; a nation so elevated in its pride, so awful in its power, and so affected in its tenderness for the liberties of mankind! The charge is severe, but let the facts be adduced.

1. Great Britain has violated the principles of social law, by insidious attempts to excite the citizens of the United States into acts of contumacy, treason, and revolt, against their Government. For instance:

No sooner had the American Government imposed the restrictive system upon its citizens, to escape from the rage and depredation of the belligerent Powers, than the British Government, then professing amity towards the United States, issued an order, which was, in effect, an invitation to the American citizens to break the laws of their country, under a public promise of the British protection and patronage, "to all vessels which should

* See the letter of Major General Wilkinson, to Sir George Prevost, dated the 28th of January, 1814, and the answer of Sir George Prevost, dated the 10th of February, 1814.

† See Sir George Prevost's proclamation, dated at Quebec, the 12th of January, 1814.

‡ See the letter of Sir George Prevost to General Wilkinson, dated the 10th of February, 1814; and the British General Orders of the 22d of February, 1814.

* See Mr. Monroe's letter to Admiral Cochrane, dated the 6th of September, 1814.

† See Mr. Monroe's letter to Admiral Cochrane, dated the 6th of September 1814.

Causes and Character of the War.

engage in an illicit trade, without bearing the customary ship's document and papers."*

Again: During a period of peace between the United States and Great Britain, in the year 1809, the Governor General of the Canadas employed an agent (who had previously been engaged, in a similar service, with the knowledge and approbation of the British Cabinet) "on a secret and confidential mission," into the United States, declaring, "that there was no doubt that his able execution of such a mission, would give him a claim, not only on the Governor General, but on His Majesty's Ministers." The object of the mission was, to ascertain whether there existed a disposition in any portion of the citizens, "to bring about a separation of the Eastern States from the general Union; and how far, in such an event, they would look up to England for assistance, or be disposed to enter into a connexion with her." The agent was instructed "to insinuate, that if any of the citizens should wish to enter into a communication with the British Government, through the Governor General, he was authorized to receive such communication; and that he would safely transmit it to the Governor General."† He was accredited by a formal instrument, under the seal and signature of the Governor General, to be produced, "if he saw good ground for expecting that the doing so might lead to a more confidential communication than he could otherwise look for;" and he was furnished with a cipher, "for carrying on the secret correspondence.‡ The virtue and patriotism of the citizens of the United States, were superior to the arts and corruption, employed in this secret and confidential mission, if it ever was disclosed to any of them; and the mission itself terminated as soon as the arrangement with Mr. Erskine was announced.¶ But, in the act of recalling the secret emissary, he was informed, "that the whole of his letters were transcribing to be sent home, where they could not fail of doing him great credit, and it was hoped they might eventually contribute to his permanent advantage."§ To endeavor to realize that hope, the emissary proceeded to London; all the circumstances of his mission were made known to the British Minister; his services were approved and acknowledged; and he was sent to Canada for a reward, with a commendatory letter from Lord Liverpool to Sir George Prevost, "stating his Lordship's opinion of the ability and judgment which Mr. Henry had manifested on the occasions mentioned in his memorial, (his secret and confidential missions,) and of the benefit

the public service might derive from his active employment in any public situation, in which Sir George Prevost might think proper to place him."* The world will judge upon these facts, and the rejection of a Parliamentary call, for the production of the papers relating to them, what credit is due to the Prince Regent's assertion, "that Mr. Henry's mission was undertaken without the authority or even knowledge of His Majesty's Government." The first mission was certainly known to the British Government, at the time it occurred; for the Secretary of the Governor General expressly states, "that the information and political observations, heretofore received from Mr. Henry, were transmitted by his Excellency to the Secretary of State, who had expressed his particular approbation of them."† The second mission was approved when it was known; and it remains for the British Government to explain, upon any established principles of morality and justice, the essential difference between ordering the offensive acts to be done, and reaping the fruit of those acts, without: either expressly or tacitly condemning them.

Again: These hostile attempts upon the peace and union of the United States, preceding the declaration of war, have been followed by similar machinations, subsequent to that event. The Governor General of the Canadas has endeavored, occasionally, in his proclamations and general orders, to dissuade the militia of the United States from the performance of the duty which they owed to their injured country; and the efforts, at Quebec and Halifax, to kindle the flame of civil war, have been as incessant as they have been insidious and abortive. Nay, the Governor of the island of Barbadoes, totally forgetful of the boasted article of the British magna charta, in favor of foreign merchants, found within the British dominions upon the breaking out of hostilities, resolved that every American merchant, within his jurisdiction at the declaration of war, should at once be treated as a prisoner of war; because every citizen of the United States was enrolled in the militia; because the militia of the United States were required to serve their country, beyond the limits of the State to which they particularly belonged; and because the militia of "all the States, which had acceded to this measure, were, in the view of Sir George Beckwith, acting as a French conscription."‡

Again: Nor was this course of conduct confined to the colonial authorities. On the 26th of October, 1812, the British Government issued an Order in Council, authorizing the Governors of the British West India islands to grant licenses to American vessels, for the importation and exportation of certain articles, enumerated in the order; but, in the instructions, which accompanied the order, it was expressly provided, that "what-

* See the instructions to the commanders of British ships of war and privateers, dated the 11th of April, 1808.

† See the letter from Mr. Ryland, the Secretary of the Governor General, to Mr. Henry, dated the 26th of January, 1809.

‡ See the letter of Sir James Craig, to Mr. Henry, dated February 6, 1809.

¶ See the same letter, and Mr. Ryland's letter of the 26th of January, 1809.

§ See Mr. Ryland's letter, dated the 26th of June, 1809.

* See the letter from Lord Liverpool to Sir George Prevost, dated the 16th of September, 1811.

† See Mr. Ryland's letter of the 26th of January, 1809.

‡ See the remarkable State paper, issued by Governor Beckwith, at Barbadoes, on the 13th of November 1812.

Causes and Character of the War.

ever importations were proposed to be made, from the United States of America, should, he by licenses, confined to the ports in the eastern States exclusively, unless there was reason to suppose, that the object of the order would not be fulfilled, if licenses were not granted, for importations from the other ports in the United States.*†

The President of the United States has not hesitated to place before the nation, with expressions of a just indignation, "the policy of Great Britain thus proclaimed to the world; introducing into her modes of warfare, a system equally distinguished by the deformity of its features, and the depravity of its character; and having for its object to dissolve the ties of allegiance and the sentiments of loyalty in the adversary nation; and to seduce and separate its component parts, the one from the other."‡

2. Great Britain has violated the laws of humanity and honor, by seeking alliances, in the prosecution of the war, with savages, pirates, and slaves.

The British agency, in exciting the Indians at all times to commit hostilities upon the frontier of the United States, is too notorious to admit of a direct and general denial. It has sometimes, however, been said, that such conduct was unauthorized by the British Government; and the Prince Regent, seizing the single instance of an intimation, alleged to be given on the part of Sir James Craig, the Governor of the Canadas, that an attack was meditated by the Indians, has affirmed, that "the charge of exciting the Indians to offensive measures against the United States, was void of foundation; that, before the war began, a policy the most opposite had been uniformly pursued; and that proof of this was tendered by Mr. Foster to the American Government."‡ But is it not known in Europe, as well as in America, that the British Northwest Company maintain a constant intercourse of trade and council with the Indians; that their interests are often in direct collision with the interests of the inhabitants of the United States, and that by means of the inimical dispositions, and the active agencies of the company (seen, understood, and tacitly sanctioned by the local authorities of Canada) all the evils of an Indian war may be shed upon the United States, without the authority of a formal order emanating immediately from the British Government? Hence, the American Government,

in answer to the evasive protestations of the British Minister, residing at Washington, frankly communicated the evidence of British agency, which had been received at different periods, since the year 1807; and observed, "that whatever may have been the disposition of the British Government, the conduct of its subordinate agents had tended to excite the hostility of the Indian tribes towards the United States; and that in estimating the comparative evidence on the subject, it was impossible not to recollect the communication lately made, respecting the conduct of Sir James Craig, in another important transaction (the employment of Mr. Henry, as an accredited agent, to alienate and detach the citizens of a particular section of the Union, from their Government) which, it appeared, was approved by Lord Liverpool."‡

The proof, however, that the British agents and military officers were guilty of the charge thus exhibited, become conclusive when, subsequent to the communication which was made to the British Minister, the defeat and flight of General Proctor's army, on the — of —, placed in the possession of the American commander the correspondence and papers of the British officers. Selected from the documents which were obtained upon that occasion, the contents of a few letters will serve to characterize the whole of the mass. In these letters, written by Mr. McKee, the British agent, to Colonel England, the commander of the British troops, superscribed, "on His Majesty's service," and dated during the months of July and August, 1794, the period of General Wayne's successful expedition against the Indians, it appears that the scalps taken by the Indians were sent to the British establishment at the rapids of the Miami;‡ that the hostile operations of the Indians were concerted with the British agents and officers;‡ that when certain tribes of Indians, "having completed the belts they carried with scalps and prisoners, and being without provisions, resolved on going home, it was lamented that His Majesty's posts would derive no security from the late great influx of Indians into that part of the country should they persist in their resolution of returning so soon;"‡ that "the British agents were immediately to hold a council at the Glaze, in order to try if they could prevail on the Lake Indians to remain; but that, without provisions and ammunition being sent to that place, it was conceived to be extremely difficult to keep them together;"§ and that "Colonel England was making great exertions to supply the Indians with provisions."¶ But the language of the correspondence becomes, at length, so plain

* See the proclamation of the Governor of Bermuda, dated the 14th of January, 1814; and the instructions from the British Secretary for Foreign Affairs, dated November 9, 1812.

† See the Message from the President to Congress, dated the 24th of February, 1813.

‡ See the Prince Regent's declaration of the 10th of January, 1812.

See, also, Mr. Foster's letters to Mr. Monroe, dated the 28th of December, 1811, and the 7th and 8th of June, 1812; and Mr. Monroe's answer, dated the 9th of January, 1812, and the 10th of June, 1812; and the documents, which accompanied the correspondence.

* See Mr. Monroe's letter to Mr. Foster, dated the 10th of June, 1812.

† See the letter from Mr. McKee to Colonel England, dated the 2d of July, 1794.

‡ See the letter from the same to the same, dated the 5th of July, 1794.

§ See the same letter.

¶ See the same letter.

¶ See the same letter.

Causes and Character of the War.

and direct, that it seems impossible to avoid the conclusion of a Governmental agency on the part of Great Britain, in advising, aiding and conducting the Indian war, while she professed friendship and peace towards the United States. "Scouts are sent (says Mr. McKee to Colonel England) to view the situation of the American army; and we now muster one thousand Indians. All the Lake Indians, from Sugana downwards, should not lose one moment in joining their brethren, as every accession of strength is an addition to their spirits."* And again: "I have been employed several days in endeavoring to fix the Indians, who have been driven from their villages and corn-fields, between the fort and the bay. Swan creek is generally agreed upon, and will be a very convenient place for the delivery of provisions." &c.† Whether, under the various proofs of the British agency, in exciting Indian hostilities against the United States in a time of peace, presented in the course of the present narrative, the Prince Regent's declaration, that, "before the war began, a policy the most opposite had been uniformly pursued by the British Government,‡ is to be ascribed to a want of information or a want of candor, the American Government is not disposed more particularly to investigate.

But, independent of these causes of just complaint, arising in a time of peace, it will be found that when the war was declared, the alliance of the British Government with the Indians was avowed upon principles the most novel, producing consequences the most dreadful. The savages were brought into the war upon the ordinary footing of allies, without regard to the inhuman character of their warfare, which neither spares age nor sex, and which is more desperate towards the captive at the stake, than even towards the combatant in the field. It seemed to be a stipulation of the compact between the allies that the British might imitate, but should not control the ferocity of the savages. While the British troops behold without compunction, the tomahawk and the scalping knife brandished against prisoners, old men and children, and even against pregnant women, and while they exultingly accept the bloody scalps of the slaughtered Americans;|| the Indian exploits in battle are recounted and applauded by the British general orders. Rank and station are assigned to them in the military movements of the British army; and the unhallowed league was ratified with appropriate emblems, by

intertwining an American scalp with the decorations of the mace, which the commander of the Northern army of the United States found in the Legislative chamber of York, the capital of Upper Canada.

In the single scene that succeeded the battle of Frenchtown, near the river Raisin, where the American troops were defeated by the allies under the command of General Proctor, there will be found, concentrated upon indisputable proof, an illustration of the horrors of the warfare which Great Britain has pursued, and still pursues, in co-operation with the savages of the South, as well as with the savages of the North. The American army capitulated on the 22d of January, 1813; yet, after the faith of the British commander had been pledged in the terms of the capitulation, and while the British officers and soldiers silently and exultingly contemplated the scene, some of the American prisoners of war were tomahawked, some were shot, and some were burnt. Many of the unarmed inhabitants of the Michigan Territory were massacred; their property was plundered, and their houses were destroyed.* The dead bodies of the mangled Americans were exposed, unburied, to be devoured by dogs and swine; "because, as the British officers declared, the Indians would not permit the interment;"† and some of the Americans who survived the carnage had been extricated from danger, only by being purchased at a price, as a part of the booty belonging to the Indians. But, to complete this dreadful view of human depravity and human wretchedness, it is only necessary to add, that an American physician who was despatched with a flag of truce to ascertain the situation of his wounded brethren, and two persons, his companions, were intercepted by the Indians, in their humane mission; the privilege of the flag was disregarded by the British officers; the physician, after being wounded, and one of his companions were made prisoners, and the third person of the party was killed.‡

But the savage who had never known the restraints of civilized life, and the pirate who had broken the bonds of society, were alike the objects of British conciliation and alliance for the purposes of an unparalleled warfare. A horde of pirates and outlaws had formed a confederacy and establishment on the island of Barrataria, near the mouth of the river Mississippi. Will Europe believe that the commander of the British forces addressed the leader of the confederacy, from the neutral territory of Pensacola, "calling upon him, with his brave followers, to enter into

* See the letter from Mr. McKee to Colonel England, dated the 13th of August, 1794.

† See the letter from the same to the same, dated the 30th of August, 1794.

‡ See the Prince Regent's declaration of the 10th of January, 1813.

|| See the letter from the American General Harrison, to the British General Proctor.

See a letter from the British Major Muir, Indian agent, to Colonel Proctor, dated the 26th September, 1812, and a letter from Colonel St. George to Colonel Proctor, dated the 28th of October, 1812, found among Colonel Proctor's papers.

* See the report of the committee of the House of Representatives, on the 31st of July, 1812, and the depositions and documents accompanying it.

† See the official report of Mr. Baker, the agent for the prisoners, to Brigadier General Winchester, dated the 26th of February, 1813.

‡ In addition to this description of savage warfare under British auspices, see the facts contained in the correspondence between General Harrison and General Drummond.

Causes and Character of the War.

the service of Great Britain, in which he should have the rank of captain; promising that lands should be given to them all, in proportion to their respective ranks, on a peace taking place; assuring them that their property should be guaranteed, and their persons protected; and asking, in return, that they would cease all hostilities against Spain, or the allies of Great Britain, and place their ships and vessels under the British commanding officer on the station, until the commander-in-chief's pleasure should be known, with a guarantee of their fair value at all events?*** There wanted only to exemplify the debasement of such an act, the occurrence, that the pirate should spurn the proffered alliance; and, accordingly, Lafitte's answer was indignantly given, by a delivery of the letter containing the British proposition, to the American Governor of Louisiana.

There were other sources, however, of support, which Great Britain was prompted by her vengeance to employ, in opposition to the plainest dictates of her own colonial policy. The events which have extirpated or dispersed the white population of St. Domingo, are in the recollection of all men. Although British humanity might not shrink from the infliction of similar calamities upon the Southern States of America, the danger of that course, either as an incitement to a revolt of the slaves in the British islands, or as a cause for retaliation on the part of the United States, ought to have admonished her against its adoption. Yet, in a formal proclamation, issued by the Commander-in-Chief of His Britannic Majesty's squadrons upon the American station, the slaves of the American planters were invited to join the British standard, in a covert phraseology, that afforded but a slight veil for the real design. Thus, Admiral Cochrane, reciting "that it had been represented to him that many persons now resident in the United States had expressed a desire to withdraw therefrom, with a view of entering into His Majesty's service, or of being received as free settlers into some of His Majesty's colonies," proclaimed that "all those who might be disposed to emigrate from the United States would, with their families, be received on board of His Majesty's ships or vessels of war, or at the military posts that might be established upon or near the coast of the United States, when they would have their choice of either entering into His Majesty's sea or land forces, or of being sent as free settlers to the British possessions in North America, or the West Indies, where they would meet with all due encouragement."[†] But even the negroes seem, in contempt or disgust, to have resisted the solicitation; no rebellion or massacre ensued; and the allegation, often repeated, that, in relation to those who were seduced or forced from the service of their masters, in-

stances have occurred of some being afterwards transported to the British West India islands, and there sold into slavery for the benefit of the captors, remains without contradiction. So complicated an act of injustice would demand the reprobation of mankind. And let the British Government, which professes a just abhorrence of the African slave trade, which endeavors to impose, in that respect, restraints upon the domestic policy of France, Spain, and Portugal, answer, if it can, the solemn charge against their faith and their humanity.

3. Great Britain has violated the laws of civilized warfare, by plundering private property; by outraging female honor; by burning unprotected cities, towns, villages, and houses; and by laying waste whole districts of an unresisting country.

The menace and the practice of the British naval and military force "to destroy and lay waste such towns and districts upon the American coast as might be found assailable," have been excused upon the pretext of retaliation, for the wanton destruction committed by the American army in Upper Canada;*** but the fallacy of the pretext has already been exposed. It will be recollected, however, that the act of burning Newark was instantaneously disavowed by the American Government; that it occurred in December, 1813; and that Sir George Prevost himself acknowledged, on the 10th of February, 1814, that the measure of retaliation, for all the previously imputed misconduct of the American troops, was then full and complete.† Between the month of February, 1814, when that acknowledgment was made, and the month of August, 1814, when the British Admiral's denunciation was issued, what are the outrages upon the part of the American troops in Canada to justify a call for retaliation? No; it was the system not the incident of the war. And intelligence of the system had been received at Washington, from the American agents in Europe, with reference to the operations of Admiral Warren upon the shores of the Chesapeake, long before Admiral Cochrane had succeeded to the command of the British fleet on the American station.

As an appropriate introduction to the kind of war which Great Britain intended to wage against the inhabitants of the United States, transactions occurred in England, under the avowed direction of the Government itself, that could not fail to wound the moral sense of every candid and generous spectator. All the officers and mariners of the American merchant ships, who, having lost their vessels in other places, had gone to England on the way to America; or who had been employed in British merchant ships, but were desirous of returning home; or who had been detained, in consequence of the condemnation of their vessels under the British Orders in Council; or who had arrived in England, through any of

* See the letter addressed by Edward Nichols, Lieutenant Colonel, commanding His Britannic Majesty's forces in the Floridas, to Monsieur Lafitte, or the commandant at Barrataria, dated the 31st of August, 1814.

† See Admiral Cochrane's proclamation, dated at Bermuda, the 2d of April, 1814.

* See Admiral Cochrane's letter to Mr. Monroe, dated August 18, 1814.

† See Sir George Prevost's letter to General Wilkinson, dated the 10th of February, 1814.

Causes and Character of the War.

the other casualties of the seafaring life, were condemned to be treated as prisoners of war; nay, some of them were actually impressed while soliciting their passports, although not one of their number had been in any way engaged in hostilities against Great Britain; and although the American Government had afforded every facility to the departure of the same class, as well as of every other class of British subjects, from the United States, for a reasonable period after the declaration of war.* But this act of injustice, for which even the pretext of retaliation has not been advanced, was accompanied by another of still greater cruelty and oppression. The American seamen, who had been enlisted or impressed into the naval service of Great Britain, were long retained, and many of them are yet retained, on board of British ships of war, where they are compelled to combat against their country and their friends; and even when the British Government tardily and reluctantly recognised the citizenship of impressed Americans to a number exceeding one thousand at a single naval station, and dismissed them from its service on the water, it was only to immure them as prisoners of war on the shore. These unfortunate persons, who had passed into the power of the British Government by a violation of their own rights and inclinations, as well as of the rights of their country, and who could only be regarded as the spoils of unlawful violence, were nevertheless treated as the fruits of lawful war. Such was the indemnification which Great Britain offered for the wrongs that she had inflicted, and such the reward which she bestowed for services that she had received.†

Nor has the spirit of British warfare been confined to violations of the usages of civilized nations, in relation to the United States. The system of blockade, by Orders in Council, has been revived; and the American coast, from Maine to Louisiana, has been declared, by the proclamation of a British Admiral, to be in a state of blockade, which every day's observation proves to be practically ineffectual, and which, indeed, the whole of the British navy would be unable to enforce and maintain.‡ Neither the Orders in Council, acknowledged to be generally unlawful, and declared to be merely retaliatory upon France, nor the Berlin and Milan decrees, which placed the British islands in a state of blockade without the force of a single squadron to maintain it, were, in principle, more injurious to the rights of neutral commerce than the existing blockade of the United States. The revival, therefore, of the system, without the retaliatory pretext, must de-

monstrate to the world a determination, on the part of Great Britain, to acquire a commercial monopoly, by every demonstration of her naval power. The trade of the United States with Russia, and with other northern Powers, by whose Governments no edicts violating neutral rights had been issued, was cut off by the operation of the British Orders in Council of the year 1807, as effectually as their trade with France and her allies, although the retaliatory principle was totally inapplicable to the case. And the blockade of the year 1814 is an attempt to destroy the trade of those nations, and, indeed, of all the other nations of Europe, with the United States; while Great Britain herself, with the same policy and ardor that marked her illicit trade with France, when France was her enemy, encourages a clandestine traffic between her subjects and the American citizens, wherever her possessions come in contact with the territory of the United States.

But, approaching nearer to the scenes of plunder and violence, of cruelty and conflagration, which the British warfare exhibits on the coast of the United States, it must be again asked what acts of the American Government, of its ships of war, or of its armies, had occurred, or were even alleged as a pretext, for the perpetration of this series of outrages? It will not be asserted that they were sanctioned by the usages of modern war, because the sense of all Europe would revolt at the assertion. It will not be said that they were the unauthorized excesses of the British troops, because scarcely an act of plunder and violence, of cruelty and conflagration, had been committed, except in the immediate presence, under the positive orders, and with the personal agency of British officers. It must not be again insinuated that they were provoked by the American example, because it has been demonstrated that all such insinuations are without color and without proof. And, after all, the dreadful and disgraceful progress of the British arms will be traced, as the effect of that animosity, arising out of recollections connected with the American Revolution, which has already been noticed; or, as the effect of that jealousy which the commercial enterprise and native resources of the United States are calculated to excite in the councils of a nation aiming at universal dominion upon the ocean.

In the month of April, 1813, the inhabitants of Poplar Island, in the Bay of Chesapeake, were pillaged, and the cattle and other live stock of the farmers, beyond what the enemy could remove, were wantonly killed.*

In the same month of April, the wharf, the stores, and the fishery, at Frenchtown Landing, were destroyed, and the private stores and store-houses in the village of Frenchtown were burnt.†

In the same month of April the enemy landed repeatedly on Sharp's Island, and made a general

* See Mr. Beasley's correspondence with the British Government, in October, November, and December, 1812. See, also, the act of Congress, passed the 6th of July, 1812.

† See the letter from Mr. Beasley to Mr. McLeay, dated the 13th of March, 1815.

‡ See the successive blockades announced by the British Government, and the successive naval commanders on the American station.

* See the deposition of William Sears.

† See the depositions of Frisby Anderson and Cordelia Pennington.

Causes and Character of the War.

sweep of the stock, affecting however to pay for a part of it.*

On the 3d of May, 1813, the town of Havre-de-Grace was pillaged and burnt by a force under the command of Admiral Cockburn. The British officers being admonished "that, with civilized nations at war, private property had always been respected," hastily replied, "that, as the Americans wanted war, they should now feel its effects, and that the town should be laid in ashes." They broke the windows of the church; they purloined the houses of the furniture; they stripped women and children of their clothes; and when an unfortunate female complained that she could not leave her house with her little children, she was unfeelingly told, "that her house should be burnt with herself and her children in it."†

On the 6th of May, 1813, Fredericktown and Georgetown, situated on the Sassafraz river, in the State of Maryland, were pillaged and burnt, and the adjacent country was laid waste, by a force under the command of Admiral Cockburn, and the officers were the most active on the occasion.‡

On the 22d of June, 1813, the British forces made an attack upon Craney Island, with a view to obtain possession of Norfolk, which the commanding officers had promised, in case of success, to give up to the plunder of the troops.¶ The British were repulsed; but, enraged by defeat and disappointment, their course was directed to Hampton, which they entered on the — of June. The scene that ensued exceeds all power of description, and a detail of facts would be offensive to the feelings of decorum as well as of humanity. "A defenceless and unresisting town was given up to indiscriminate pillage, though civilized war tolerates this only as to fortified places carried by assault, and after summons. Individuals, male and female, were stripped naked; a sick man was stabbed twice in the hospital; another sick man, shot in his bed, and in the arms of his wife, who was also wounded, long after the retreat of the American troops; and females, the married and the single, suffered the extremity of personal abuse from the troops of the enemy, and from the infatuated negroes, at their instigation."§

* See Jacob Gibson's deposition.

† See the deposition of William T. Killpatrick, James Wood, Rosanna Moore, and R. Mansfield.

‡ See the depositions of John Stavelly, William Spencer, Joshua Wood, James Scanlan, Richard Barnaby, F. B. Chandlear, Jonathan Greenwood, John Allen, T. Robertson, M. N. Cannon, and J. T. Vearey.

¶ See General Taylor's letter to the Secretary of War, dated the 2d of July, 1813.

§ See the letters from General Taylor to Admiral Warren, dated the 29th of June, 1813; to General Sir Sidney Beckwith, dated the 4th and 5th of July, 1813; to the Secretary of War, dated the 2d of July, 1813; and to Captain Myers, of the last date. See also the letter from Major Crutchfield to Governor Barbour, dated the 20th of June, 1813; the letters from Captain Cooper to Lieutenant Governor Mallory, dated in July, 1813; the report of Messrs. Griffin and Lively to Major Crutchfield, dated the 4th of July, 1813; and Colonel Parker's publication in the Enquirer.

The fact that these atrocities were committed, the commander of the British fleet, Admiral Warren, and the commander of the British troops, Sir Sidney Beckwith, admitted, without hesitation;* but they resorted, as on other occasions, to the unworthy and unavailing pretext of a justifiable retaliation. It was said, by the British General, "that the excesses at Hampton were occasioned by an occurrence at the recent attempt upon Craney Island, when the British troops in a barge, sunk by the American guns, clung to the wreck of the boat, but several Americans waded off from the island, fired upon, and shot these men." The truth of the assertion was denied; the act, if it had been perpetrated by the American troops, was promptly disavowed by their commander, and a board of officers appointed to investigate the facts, after stating the evidence, reported "an unbiassed opinion, that the charge against the American troops was unsupported, and that the character of the American soldiery for humanity and magnanimity had not been committed, but, on the contrary, confirmed."† The result of this inquiry was communicated to the British General; reparation was demanded; but it was soon perceived that, whatever might personally be the liberal dispositions of that officer, no adequate reparation could be made, as the conduct of his troops was directed and sanctioned by his Government.‡

During the period of these transactions, the village of Lewistown, near the capes of the Delaware, inhabited chiefly by fishermen and pilots, and the village of Stonington, seated upon the shores of Connecticut, were unsuccessfully bombarded. Armed parties, led by officers of rank, landed daily from the British squadron, making predatory incursions into the open country; rifling and burning the houses and cottages of peaceable and retired families; pillaging the produce of the planter and farmer, (their tobacco, their grain, and their cattle;) committing violence on the persons of the unprotected inhabitants; seizing upon slaves, wherever they could be found, as booty of war; and breaking open the coffins of the dead, in search of plunder, or committing robbery on the altars of the church at Chaptico, St. Inigoes, and Tappahannock, with a sacrilegious rage.

But the consummation of British outrage yet remains to be stated from the awful and imperishable memorials of the Capitol at Washington. It has been already observed, that the massacre of the American prisoners, at the river Raisin, occurred in January, 1813; that throughout the

* See Admiral Warren's letter to General Taylor, dated the 29th of June, 1813; Sir Sidney Beckwith's letter to General Taylor, dated on the same day; and the report of Captain Myers to General Taylor, of July 2, 1813.

† See the report of the proceedings of the board of officers appointed by the general order of the 1st of July, 1813.

‡ See General Taylor's letter to Sir Sidney Beckwith, dated the 5th of July, 1813, and the answer of the following day.

Causes and Character of the War.

same year, the desolating warfare of Great Britain, without once alleging a retaliatory excuse, made the shores of the Chesapeake, and of its tributary rivers, a general scene of ruin and distress; and that in the month of February, 1814, Sir George Prevost himself acknowledged, that the measures of retaliation for the unauthorized burning of Newark, in December, 1813, and for all the excesses which had been imputed to the American Army, was, at that time, full and complete. The United States, indeed, regarding what was due to their own character, rather than what was due to the conduct of their enemy, had forborne to authorize a just retribution, and even disdained to place the destruction of Newark to retaliatory account for the general pillage and conflagration which had been previously perpetrated. It was not without astonishment, therefore, that, after more than a year of patient suffering, they heard it announced in August, 1814, that the towns and districts upon their coast were to be destroyed and laid waste, in revenge for unspecified and unknown acts of destruction which were charged against the American troops in Upper Canada. The letter of Admiral Cochrane was dated on the 18th, but it was not received until the 31st of August, 1814. In the intermediate time, the enemy debarked a body of about five or six thousand troops at Benedict, on the Patuxent, and by a sudden and steady march through Bladensburg approached the City of Washington. This city had been selected for the Seat of the American Government, but the number of its houses does not exceed nine hundred, spread over an extensive site; the whole number of its inhabitants does not exceed eight thousand; and the adjacent country is thinly populated. Although the necessary precautions had been ordered to assemble the militia for the defence of the city, a variety of causes combined to render the defence unsuccessful; and the enemy took possession of Washington on the evening of the 24th of August, 1814. The commanders of the British force held, at that time, Admiral Cochrane's desolating order, although it was then unknown to the Government and the people of the United States; but, conscious of the danger of so distant a separation from the British fleet, and desirous, by every plausible artifice, to deter the citizens from flying to arms against the invaders, they disavowed all design of injuring private persons and property, and gave assurances of protection wherever there was submission. General Ross and Admiral Cockburn then proceeded in person to direct and superintend the business of conflagration in a place which had yielded to their arms, which was unfortified, and by which no hostility was threatened. They set fire to the Capitol, within whose walls were contained the halls of the Congress of the United States, the hall of their highest tribunal for the administration of justice, the archives of the Legislature, and the National Library. They set fire to the edifice which the United States had erected for the residence of their Chief Magistrate; and they set fire to the costly and extensive buildings erected for the accommodation of the

principal officers of the Government in the transaction of the public business. These magnificent monuments of the progress of the arts, which America had borrowed from her parent Europe, with all the testimonials of taste and literature which they contained, were, on the memorable night of the 24th of August, consigned to the flames, while British officers of high rank and command united with their troops in riotous carousals by the light of the burning pile.

But the character of the incendiary had so entirely superseded the character of the soldier on this unparalleled expedition, that a great portion of the munitions of war which had not been consumed when the Navy Yard was ordered to be destroyed upon the approach of the British troops, were left untouched; and an extensive foundry of cannon, adjoining the City of Washington, was left uninjured; when, in the night of the 25th of August, the army suddenly decamped, and returning, with evident marks of precipitation and alarm, to their ships, left the interment of their dead, and the care of their wounded, to the enemy whom they had thus injured and insulted, in violation of the laws of civilized war.

The counterpart to the scene exhibited by the British army was next exhibited by the British navy. Soon after the midnight flight of General Ross from Washington, a squadron of British ships of war ascended the Potomac, and reached the town of Alexandria on the 27th of August, 1814. The magistrates, presuming that the general destruction of the town was intended, asked on what terms it might be saved. The naval commander declared, "that the only conditions in his power to offer were such as not only required a surrender of all naval and ordnance stores, (public and private,) but of all the shipping, and of all the merchandise in the city, as well as such as had been removed since the 19th of August." The conditions, therefore, amounted to the entire plunder of Alexandria, an unfortified and unresisting town, in order to save the buildings from destruction. The capitulation was made, and the enemy bore away the fruits of his predatory enterprise in triumph.

But, even while this narrative is passing from the press, a new retaliatory pretext has been formed, to cover the disgrace of the scene which was transacted at Washington. In the address of the Governor-in-Chief to the Provincial Parliament of Canada, on the 24th of January, 1815, it is asserted, in ambiguous language, "that, as a just retribution, the proud Capitol at Washington has experienced a similar fate to that inflicted by an American force on the Seat of Government in Upper Canada." The town of York, in Upper Canada, was taken by the American Army under the command of General Dearborn, on the 27th of April, 1813;* and it was evacuated on the succeeding 1st of May; although it was again visited for a day, by an American squadron, under the command of Commodore Chauncey, on the 4th of

* See the letters of General Dearborn to the Secretary of War, dated the 27th and 28th of April, 1813.

Causes and Character of the War.

August.* At the time of the capture, the enemy, on his retreat, set fire to his magazine, and the injury produced by the explosion was great and extensive; but neither then, nor on the visit of Commodore Chauncey, was any edifice, which had been erected for civil uses, destroyed by the authority of the military or the naval commander; and the destruction of such edifices, by any part of their force, would have been a direct violation of the positive orders which they had issued. On both occasions, indeed, the public stores of the enemy were authorized to be seized, and his public storehouses to be burnt; but it is known that private persons, houses, and property, were left uninjured. If, therefore, Sir George Prevost deems such acts inflicted on "the Seat of Government in Upper Canada" similar to the acts which were perpetrated at Washington, he has yet to perform the task of tracing the features of similarity; since at Washington the public edifices, which had been erected for civil uses, were alone destroyed, while the munitions of war and the foundries of cannon remained untouched.

If, however, it be meant to affirm, that the public edifices, occupied by the Legislature, by the Chief Magistrate, by the courts of justice, and by the civil functionaries of the Province of Upper Canada, with the Provincial library, were destroyed by the American force, it is an occurrence which has never been before presented to the view of the American Government, by its own officers, as matter of information; nor by any of the military or civil authorities of Canada as matter of complaint; it is an occurrence which no American had in any degree authorized or approved; and it is an occurrence which the American Government would have censured, and repaired with equal promptitude and liberality.

But a tale told thus out of date, for a special purpose, cannot command the confidence of the intelligent and the candid auditor; for, even if the fact of conflagration be true, suspicion must attend the cause for so long a concealment, with motives so strong for an immediate disclosure. When Sir George Prevost, in February, 1814, acknowledged that the measure of retaliation was full and complete for all the preceding misconduct imputed to the American troops, was he not apprized of every fact which had occurred at York, the capital of Upper Canada, in the months of April and August, 1813? Yet neither then, nor at any antecedent period, nor until the 24th January, 1815, was the slightest intimation given of the retaliatory pretext which is now offered. When the Admirals Warren and Cochrane were employed in pillaging and burning the villages on the shores of the Chesapeake, were not all the retaliatory pretexts for the barbarous warfare known to those commanders? And yet, "the fate inflicted by an American force on the Seat of Government in Upper Canada," was never suggested in justification or excuse! And finally, when the expedition was formed in August, 1814,

for the destruction of the public edifices at Washington, was not the "similar fate which had been inflicted by an American force on the Seat of Government in Upper Canada," known to Admiral Cochrane, as well as to Sir George Prevost, who called upon the Admiral (it is alleged) to carry into effect measures of retaliation against the inhabitants of the United States? And yet, both the call and the compliance are founded (not upon the destruction of the public edifices at York, but) upon the wanton destruction committed by the American Army in Upper Canada, upon the inhabitants of the Province, for whom alone reparation was demanded.

An obscurity, then, dwells upon the fact alleged by Sir George Prevost, which has not been dissipated by inquiry. Whether any public edifice was improperly destroyed at York, or at what period the injury was done, if done at all, and by what hand it was inflicted, are points that ought to have been stated when the charge was made; surely it is enough, on the part of the American Government, to repeat, that the fact alleged was never before brought to its knowledge for investigation, disavowal, or reparation. The silence of the military and civil officers of the Provincial Government of Canada, indicates, too, a sense of shame, or a conviction of the injustice of the present reproach. It is known that there could have been no other public edifice for civil uses destroyed in Upper Canada, than the House of the Provincial Legislature, a building of so little cost and ornament as hardly to merit consideration, and certainly affording neither parallel nor apology for the conflagration of the splendid structures which adorned the Metropolis of the United States. If, however, that House was indeed destroyed, may it not have been an accidental consequence of the confusion in which the explosion of the magazine involved the town? Or, perhaps, it was hastily perpetrated by some of the enraged troops, in the moment of anguish for the loss of a beloved commander, and their companions, who had been killed by that explosion, kindled as it was by a defeated enemy for the sanguinary and unavailing purpose. Or, in fine, some suffering individual, remembering the slaughter of his brethren at the river Raisin, and exasperated by the spectacle of a human scalp suspended in the Legislative Chamber, over the seat of the Speaker, may, in the paroxysm of his vengeance, have applied, unauthorized and unseen, the torch of vengeance and destruction.

Many other flagrant instances of British violence, pillage, and conflagration, in defiance of the laws of civilized hostilities, might be added to the catalogue which has been exhibited; but the enumeration would be superfluous, and it is time to close so painful an exposition of the causes and character of the war. The exposition had become necessary to repel and refute the charges of the Prince Regent, when, by his declaration of January, 1813, he unjustly states the United States to be the aggressors in the war; and insultingly ascribes the conduct of the American Government to the influence of French councils. It was, also,

* See the letter from Commodore Chauncey, to the Secretary of the Navy, dated the 4th of August, 1813.

State of the Finances.

necessary to vindicate the course of the United States in the prosecution of the war, and to expose to the view of the world the barbarous system of hostilities which the British Government has pursued. Having accomplished these purposes, the American Government recurs with pleasure to a contemplation of its early and continued efforts for the restoration of peace. Notwithstanding the pressure of the recent wrongs, and the unfriendly and illiberal disposition which Great Britain has at all times manifested towards them, the United States have never indulged sentiments incompatible with the reciprocity of good will, and an intercourse of mutual benefit and advantage. They can never repine at seeing the British nation great, prosperous, and happy; safe in its maritime rights, and powerful in its means of maintaining them; but, at the same time, they can never cease to desire that the councils of Great Britain should be guided by justice, and a respect for the equal rights of other nations. Her maritime power may extend to all the legitimate objects of her sovereignty and her commerce, without endangering the independence and peace of every other Government. A balance of power, in this respect, is as necessary on the ocean as on the land; and the control that it gives to the nations of the world over the actions of each other, is as salutary in its operation to the individual Government which feels it, as to all the Governments by which, on the just principles of mutual support and defence, it may be exercised. On fair, and equal, and honorable terms, therefore, peace is at the choice of Great Britain; but if she still determine upon war, the United States, reposing upon the justness of their cause; upon the patriotism of their citizens; upon the distinguished valor of their land and naval forces; and, above all, upon the dispensations of a beneficent Providence; are ready to maintain the contest for the preservation of the national independence, with the same energy and fortitude which were displayed in acquiring it.

WASHINGTON, February 10, 1815.

STATE OF THE FINANCES.

[Communicated to the Senate, September 26, 1814.]

The Secretary of the Treasury, in obedience to the act "supplementary to the act, entitled "An act to establish the Treasury Department," has the honor respectfully to submit to Congress the following report and estimates:

The sums authorized by Congress to be expended during the year 1814, and for which appropriations have been made, are as follows:

- 1. For civil, diplomatic and miscellaneous expenses: - - - \$2,245,355 59
- To this sum is to be added, the amount which may be payable on the following accounts, viz: 1. The amount of fines, penalties, and forfeitures actually received into the Treasury, which is appropriated for defraying

the expenses of courts of the United States. 2. The sums received by the collectors of the customs for the marine hospital fund, and privateer pension fund, which are paid into the Treasury with the other moneys derived from the customs, but are exclusively applicable to the two objects here mentioned, respectively. 3. The moneys received into the Treasury for the United States' moiety of prizes captured by public vessels, which belong exclusively to the Navy pension fund. These items are contingent and uncertain, until the accounts for the year are made up, and their amounts ascertained. As they appear among the receipts into the Treasury, they must also be placed among its expenditures. They may be estimated for the year 1814, at - - - \$200,000 00

2. Military expenses, including the Indian Department, and the permanent appropriation of \$200,000 annually, for arming and equipping the whole body of the militia of the United States - - - 24,502,906 00

3. Naval expenses, including \$200,000 for the purchase of timber, appropriated by the act of March 30, 1812 - - - 8,169,910 87

4. For the public debt, such sum as the public engagements may require; and which, during the year 1814, may be estimated as follows:

Interest on the public debt existing previously to the present war - -	\$1,980,000 00
Interest on debt contracted during the present war, including the loans of the present year and the Treasury notes -	2,950,000 00
Reimbursement of the principal, consisting of the annual reimbursement of the old six per cent. and deferred stocks, temporary loans payable during this year, and the Treasury notes to be reimbursed during the same period	7,572,000 00
	12,502,000 00

But for these purposes there had been advanced by the Treasury during the year 1813, to sundry commissioners of loans, beyond the demands upon them for the year 1813, and to the Treasurer of the United States, as the

State of the Finances.

agent for Commissioners of the Sinking Fund, about -	350,000 00		
Leaving payable during the year 1814	12,152,000 00		
	<u>\$47,270,172 46</u>		
The means by which this sum was to be provided, were the following :			
1. Moneys receivable on account of the public revenue, and which were estimated thus :			
From the customs -	\$6,500,000 00		
Sales of public lands -	600,000 00		
Direct tax and internal duties -	3,800,000 00		
Postage, and incidental receipts -	50,000 00		
	<u>10,950,000 00</u>		
2. Moneys receivable for the proceeds of loans, and for Treasury notes, to be issued as follows :			
Amount payable into the Treasury during the year 1814, of the loan of seven and a half millions, made under the act of 2d August, 1813 -	\$3,592,665 00		
Amount authorized to be borrowed by act of March 24, 1814	25,000,000 00		
Amount authorized by the act of March 4, 1814, to be issued in Treasury notes -	5,000,000 00		
	<u>33,592,665 00</u>		
And it was estimated that, out of the balance of cash remaining in the Treasury on the 1st day of January, 1814, which amounted to \$5,196,482 00, there might be applied a sum sufficient to cover the whole amount of the authorized expenditures, and which would be -			
	<u>2,727,507 46</u>		
	<u>\$47,270,172 46</u>		
The accounts of the Treasury have as yet been made up only for the two first quarters of the year 1814, or to the 30th of June of that year. The annexed statement, marked A., shows the receipts and expenditures at the Treasury for the fourth quarter of the year 1813, which have not before been communicated to Congress, and separately, those of the two first quarters of the year 1814.			
By this statement, it appears that the payments from the Treasury during the first half of the present year, have been			
For civil, diplomatic, and miscellaneous expenses -	-	1,444,062 60	
Military expenses -	-	11,210,238 00	
Naval expenses -	-	4,012,899 90	
Public debt -	-	3,026,580 77	
		<u>19,693,781 27</u>	
And would leave payable during the remainder of the year, on those several accounts, the following sums :			
For civil, diplomatic, and miscellaneous expenses -	-	\$1,001,292 99	
Military expenses -	-	13,292,668 00	
Naval expenses -	-	4,157,010 97	
Public debt -	-	9,125,419 23	
		<u>27,576,391 19</u>	
		<u>\$47,270,172 46</u>	
The receipts into the Treasury during the first half of the present year have been as follows :			
For the proceeds of the customs -	\$4,182,088 25		
Public lands, (including those in the Mississippi Territory, the proceeds of which are now payable to the State of Georgia) -	540,065 68		
Internal duties and direct taxes -	2,189,272 40		
Postage and incidental expenses -	166,744 00		
	<u>7,078,170 33</u>		
Loan of seven and a half millions, under the act of Aug. 2, '13	3,592,665		
Loan of ten millions, (part of 25 millions,) under the act of March 24, 1814	6,087,011		
	<u>9,679,676</u>		
Treasury notes, issued under the act of February 25, 1813	1,070,000		
Treasury notes, issued under act of March 4, '14	1,392,100		
	<u>2,462,100</u>		
	<u>12,141,776 00</u>		
	<u>19,219,946 33</u>		
And there remained cash in the Treasury, on the 1st of July, 1814 -			
	<u>4,722,639 32</u>		
	<u>\$23,942,585 65</u>		
To make up the sum, therefore, which will be wanted to meet the expenditures as above estimated, there must be obtained during the 3d and 4th quarters of the present year -			
	<u>23,327,586 81</u>		
	<u>\$47,270,172 46</u>		
And the further sum of \$1,500,000, which is the least that ought at any time during a state of war to be left in the Treasury, making -			
	<u>\$24,827,586 81</u>		
Of this amount it is estimated that there will be derived from the various sources of existing revenue the following sums, viz :			
From the customs -	-	\$2,820,000 00	
It has not been practicable to prepare the statements of this and of the other branches of the revenue in the usual official form, to be communicated to Congress at this time. Some of these statements have been heretofore regularly given for periods terminating on the 30th of September; and, to preserve the series unimpaired, their preparation is postponed until they can be made out terminating with that day. They will hereafter be laid before Congress in the proper form.			

State of the Finances.

The amount of the custom-house duties which accrued during the year 1813, was \$7,070,000. During the two first quarters of the present year they amounted to about \$3,000,000; but, during the two last quarters will not, probably, exceed \$1,000,000. The amount receivable into the Treasury, during the year 1814, from bonds outstanding at the commencement of the year, and from the duties accruing, and which will become payable during that year, is estimated at \$7,000,000; which was \$500,000 more than was heretofore estimated. Of this sum, \$4,182,088 25 was paid during the first half of the year, and will leave payable, during the remainder of the year, the sum here stated.

Sales of Public Lands.—The proceeds of the sales of public lands sold in the Mississippi Territory, which are now payable to the State of Georgia, are brought into the Treasury in the same manner as the moneys derived from the sales of other public lands. As the amount, when paid out of the Treasury to the State of Georgia, appears among the public expenditures, it is proper that these moneys should be placed upon the receipts of the Treasury. Including the proceeds of the lands in the Mississippi Territory, the receipts during the year 1814 are estimated at \$900,000; of which \$540,065 68 having been received during the two first quarters of the year, there will be receivable during the two last quarters

\$360,000 00

Internal Duties and Direct Tax.—The receipts into the Treasury, from these sources during the present year, will fully equal the estimate heretofore made. These taxes are paid readily and cheerfully. The direct tax is in collection in more than three-fourths of the districts, and will shortly be in the same state in all the districts, except two or three, where the difficulty of obtaining competent persons to act as assessors has produced some delay. In several of the districts the collection is already nearly completed. The amount estimated as receivable from these two sources, was \$3,800,000; of this sum there was received, prior to the 1st of July last, \$2,189,272 40, and leaves to be received during the remainder of the year

1,610,000 00

Postage and Incidental Receipts.—These were estimated, for the whole year, at \$50,000. Including repayments, prize money, and the arrearages of the former direct tax and internal duties, there was received, on these accounts, during the first half of the year, \$166,744. These re-

ceipts are so casual and uncertain, that it is difficult to make any estimate of their amount. During the remainder of the year they may, perhaps, be expected to produce

50,000 00

Total am't receivable for revenue \$4,840,000 00

Under the act of the 24th of March, 1814, by which the President was authorized to borrow twenty-five millions of dollars, a loan was opened on the 2d of May for ten millions of dollars, in part of that sum. A loan for ten millions of dollars was considered as more likely to prove successful, than if an attempt were made to obtain the whole amount of twenty-five millions at once. The sums offered for this loan amounted to \$11,900,806; of which \$2,671,750 were at rates less than 88 per cent., and \$1,183,400 at rates less than 85 per cent. Of the sum of \$9,229,056, which were offered at 88 per cent., or at rates more favorable to the United States, five millions were offered, with the condition annexed, that if terms more favorable to the lenders should be allowed for any part of the twenty-five millions authorized to be borrowed for the present year, the same terms should be extended to those holding the stock of the ten million loan. Taking into consideration the expectation then entertained, of an early return of peace, and the importance of maintaining unimpaired the public credit, by sustaining the price of stock in the meantime; and also considering the measure was sanctioned by precedent, it was agreed to accept the loan with that condition. Had the sum to which the condition was annexed, been rejected, the consequence would have been to reduce the amount obtained to less than five millions, a sum altogether inadequate to the public demands; or, by depressing the stock to 85 per cent., to have obtained only a little more than six millions, which would still have been insufficient to answer the purposes of Government. Offers were subsequently made to this loan, of sums amounting to \$566,000, which were accepted on the same terms as the original offers, and augmented the amount of the loan which was taken to \$9,795,056.

The papers annexed, under the letter B, exhibit the particulars relating to this loan.

There was paid into the Treasury, on account of the loan of ten millions, prior to the 1st of July, \$6,087,011; leaving to be paid, after that day, \$3,708,045. Of this sum a failure of payment, on the days fixed by the terms of the loan, of about \$1,900,000, has taken place; and it is doubtful whether the payment will be effected. No more, therefore, can be relied on towards the supply necessary for the third and fourth quarters of the year 1814, than what has already been paid, and amounting to about \$1,800,000.

Proposals were again invited on the 22d of August, for a loan of six millions of dollars, in further execution of the power contained in the act of the 24th of March, for borrowing twenty-five millions. The whole amount offered was \$2,823,300, of which \$100,000 were at rates less

State of the Finances.

than 80 per cent., and \$2,213,000 were at the rate of eighty dollars in money for one hundred dollars of six per cent. stock. The remaining sum of \$510,300 was offered at various rates, from 80 to 88. Notwithstanding the reduced rate at which the greater part of the above sum was proposed, yet, as the market price of stock hardly exceeded 80 per cent.; as there was no prospect of obtaining the money on better terms; and as it was indispensable for the public service, it was deemed advisable to accept the sums offered at that rate. Including the sums offered at rates more favorable to the United States than that here stated, the whole amount of the proposals accepted was \$2,723,300, and a further sum of \$207,000 has been accepted at the same rate; making the whole amount taken of this loan, \$2,930,300.

The annexed papers, under the letter C, relate to this loan.

Some of the persons who originally made proposals for this loan, which were accepted, have since given notice that they could not carry their proposals into execution. The sums, in relation to which this failure has taken place, amount to \$410,000; and there can, therefore, be relied on for the proceeds of this loan only \$2,520,300.

Moneys having heretofore been obtained by the United States on loan in Europe upon favorable terms, and the punctuality and fidelity with which they were repaid having established their credit there on a firm and respectable footing, it was determined, in consequence of the difficulties experienced in obtaining at home the sums requisite for the public service, to try the market in that quarter. To effect this purpose, the requisite powers and instructions have been given for negotiating a loan for six millions of dollars, as a further part of the loan of twenty-five millions authorized by the act of the 24th of March last; and, in order to facilitate this object, six per cent. stock to that amount has been constituted and transmitted, with directions for its sale, if that shall be found the most advantageous mode for obtaining the money. The result, however, of this experiment is not certain; and the proceeds, in case it should be successful, will not, probably, come into the Treasury in the course of the present year; they cannot, therefore, be placed among the resources of this year. But as this sum forms a part of that which was authorized to be borrowed, and which will be necessary for the service of the present year, further authority will be required from Congress for obtaining this sum, by loan or otherwise; in which case the proceeds of the negotiation undertaken in Europe will be applicable to the service of the ensuing year. With a view to avoid the inconvenient increase of stock in the market, and its consequent depreciation, an effort was made to obtain temporary loans from the banks by special contracts, but the attempt was not attended with success.

The amount of Treasury notes issued prior to the 1st of July last, under the act of the 4th of March, 1814, was \$1,392,100; those since issued amount to \$1,512,300. The annexed statement, marked E, shows the particulars relating to these

notes; and, in the paper marked D, an account is given of those Treasury notes issued under the act of the 25th of February, 1813, which have not been heretofore reported to Congress.

There are now in circulation near eight millions of dollars in Treasury notes; of which, during the fourth quarter of the present year, notes for more than four millions of dollars will become reimbursable. A part of them may, perhaps, be replaced by new notes, but it is not believed that, upon their present footing, more than two millions and a half of dollars can thus be replaced. This would still leave more than six millions of dollars of notes in circulation; which the experience of two years has shown to be nearly as large a sum, while the other circulating paper medium of the country remained unembarrassed, and maintained itself in the public confidence, as can, in their present shape, be freely and easily circulated. Notes of a smaller denomination than those heretofore issued have been prepared, and will, probably, by passing into a more numerous and extensive class of the money transactions of individuals, carry a greater quantity into circulation, there having been already issued, since the 1st of July, Treasury notes amounting to \$1,500,000, and it being estimated that a further sum of \$2,500,000 may be put in circulation previously to the end of the present year, the amount estimated to be derived from this source during the third and fourth quarters of the year will be \$4,000,000.

The means, then, for meeting the demands upon the Treasury during the last half of the present year, as now ascertained, are estimated as follows:

From the revenue	-	-	-	-	\$4,840,000
Loans under the twenty-five million act:					
Loan of ten millions	-			\$1,800,000	
Loan of six millions	-			2,520,000	
					4,320,000
					9,160,000
Treasury notes	-	-	-	-	4,000,000
					13,160,000
And still leave to be obtained	-				11,660,000
					\$24,820,000

The difficulties already experienced in obtaining loans, and the terms on which it has been found necessary to accept them, sufficiently show the propriety of Congress adopting effective measures for procuring the sums still required for the service of the residue of the present, as well as for that of the ensuing year.

The suspension of payments in specie, by many of the most considerable banks in the United States, and of those most important in the money operations of the Treasury, has produced, and will continue to cause difficulties and embarrassments in those operations. The circulating medium of the country, which has consisted principally of bank notes, is placed upon a new and uncertain

State of the Finances.

footing; and those difficulties and embarrassments will extend, in a greater or less degree, into the pecuniary operations of the citizens in general. The powers of Congress, so far as they extend, will be required to be exerted in providing a remedy for these evils, and in placing, if practicable, the currency of the country on a more uniform, certain, and stable footing.

If further reliance must be had on loans, it is respectfully suggested that additional inducements should be offered to capitalists to advance their money, by affording an ample and unequivocal security for the regular payment of the interest, and reimbursement of the principal of such loans as may be obtained. This may be effected by establishing an adequate revenue, and pledging the same specifically for that purpose.

It is also submitted, for the consideration of Congress, whether Treasury notes might not, by augmenting the rate of interest they now bear, and securing its payment, as well as their eventual reimbursement, by an adequate revenue pledged for that purpose, be placed on a footing better calculated than at present to sustain their credit, encourage their circulation, and answer with more certainty the purposes of Government.

The estimates for the service of the year 1815 have not yet been prepared. It is certain, however, if the war continues, that a sum will be required at least equal to that demanded for the present year; and, under the head of Public Debt, an additional sum, sufficient for the payment of the interest on the loans made in the meantime.

By the plan of finance which was adopted at the commencement of the present war, this additional sum would be all that would be required to be raised, by new taxes, during the year 1815, except what might be necessary to make good a deficiency in any of the existing revenues. According to that plan of finance, the expenditures to be covered by the revenue during the year 1815, would be as follows:

Expense of the Peace Establishment	-	\$7,000,000	
Interest on the debt existing prior to the war	-	\$1,900,000	
Interest on the debt contracted since the war, including Treasury notes, and including the interest which will become payable during the year 1815, on the debt contracted within that year	-	4,600,000	
			6,500,000
Total	-	-	\$13,500,000

The revenues, as now established, are estimated to produce, during the year 1815, the following sums, viz :

Customs.—While the whole navy of the enemy is disposable for the interruption of our trade, this source of revenue cannot be very productive. From bonds which will be outstanding at the commencement of the year 1815, and from the duties which will accrue during that year, it is estimated that there will be received into the Treasury

Sales of public lands	-	-	\$4,000,000
	-	-	800,000

<i>Internal duties.</i> —These will all bring their full amounts into the Treasury during the year 1815, and will, it is believed, produce a net sum of				2,700,000
Arrears of direct tax of 1814, which will be received in 1815	-	-	-	600,000
Postage, and other incidental receipts	-	-	-	100,000
Total amount	-	-	-	\$8,200,000
And leaving to be provided	-	-	-	5,300,000
Aggregate	-	-	-	\$13,500,000

Towards making up this sum of \$5,300,000, a continuance of the direct tax will, it is believed be necessary; but at its present rate it will not produce, net to the Treasury, more than \$2,600,000.

In order to provide the remaining sum of \$2,700,000, as well as such other sums as may be deemed requisite for the objects hereinbefore suggested, it will be for Congress to consider how far it would be expedient to increase this tax, as well as the present internal duties; and also what new objects of taxation may, for that purpose, be most advantageously resorted to.

But, the plan of finance above referred to assumed, as one of the grounds upon which it depended, that loans might be annually obtained during the continuance of the war, for the amount of the extraordinary expenses occasioned by it. The experience of the present year furnishes ground to doubt whether this be practicable, at least in the shape in which loans have been hitherto attempted. Nor is it even certain that the establishing and pledging of revenues adequate to the punctual payment of the interest and eventual reimbursement of the principal of the sums which will be required for the service of the year 1815, would enable the Treasury to obtain them through the medium of loans effected in the ordinary way.

With this view of the subject, it is respectfully submitted whether it would not be expedient to extend the provisions to be made for the service of the ensuing year beyond those contemplated in this plan of finance, hitherto pursued for carrying on the war, so as to provide, by means other than loans, for at least a portion of the extraordinary expenditures occasioned thereby. This would have a tendency to insure public confidence, and preserve and confirm the public credit.

The present state of our country, growing out of the unjust policy of the enemy, as well as the unusual manner in which he prosecutes the war, call for new and extraordinary exertions on the part of the nation; and the means requisite to meet the expenditures which these may occasion ought to be provided.

The resources of the nation are not exhausted; they are ample, and the occasion requires they should be brought into full activity.

The very expenditures which render necessary the imposition of additional taxes, will themselves have increased in the community the ability to discharge them.

The promptitude and cheerfulness with which

State of the Finances.

the present taxes are paid, afford the best pledges of the spirit with which the people will meet such demands as the interest and safety of the country may require. A people who have not only tasted, but enjoyed in their full extent, the blessings of liberty and independence, for more than thirty years, cannot consider any sacrifices too great, which are found indispensable to preserve them inviolate.

Those sacrifices, however, which may be demanded by the present crisis in our affairs, will be of a temporary nature only; for, while we may fairly calculate, that, with the termination of the present contest, the duration of which will be shortened in proportion to the vigor and unanimity with which it is sustained on our part, will cease the expenditures consequent on a state of war, and render no longer necessary a continuance of those extraordinary revenues established to provide the supplies requisite for that object, we may with equal confidence rely that the growing revenue arising from the commerce of a few prosperous years of peace will be found sufficient to redeem the pledges which may have been made to the public creditors, and thus relieve the people from these burdens which times of danger and difficulties rendered indispensable.

All which is respectfully submitted.

G. W. CAMPBELL.

TREASURY DEPARTMENT, Sept. 23, 1814.

A.

Statement of Receipts and Payments at the Treasury of the United States, from the 1st October to the 31st December, 1813.

RECEIPTS.

Cash in the Treasury, subject to warrant, 1st October, 1813	-	-	\$6,978,752 43
Received for the proceeds of the customs	-	\$3,238,043 58	
Arrears of internal revenues	-	380 68	
Fees on patents	-	1,470 00	
Postage of letters	-	35,000 00	
Net proceeds of prizes captured	-	129,458 06	
Rent of the United States' saline	-	6,350 00	
Fines, penalties, and forfeitures	-	1,003 75	
Sales of public lands	-	263,049 06	
Repayments	-	3,810 13	
			3,678,565 26
Loan of \$16,000,000, per act of 8th Feb'y, 1813	1,511,875 00		
Loan of \$7,500,000, per act of 2d August, 1813	3,907,335 00		
Treasury notes, per act of 30th June, 1812	101,700 00		
Treasury notes, per act of 25th February, 1813	3,677,000 00		
			9,197,910 00
Aggregate	-	-	\$19,855,227 69

PAYMENTS.

Civil and Miscellaneous Expenses, both Foreign and Domestic.

Civil department, proper	-	-	\$125,478 66
Grants and miscellaneous claims	-	-	23,552 03
Military pensions	-	-	675 24
Light-house establishment	-	-	7,104 15
Marine hospital establishment	-	-	12,869 58
Public buildings in Washington, and furniture for the President's House	-	-	7,000 00
Prisoners of war	-	-	54,000 00
Road from Cumberland to the Ohio	-	-	11,880 03
Prize money	-	-	112,668 25
Mint Establishment	-	-	4,516 41
Trading houses with the Indians	-	-	1,125 00
Ascertaining land titles in Louisiana	-	-	1,785 00
Surveys of public lands	-	-	12,176 62
Diplomatic department	-	-	19,017 91
Relief and protection of American seamen	-	-	31,017 50
Treaties with Mediterranean Powers	-	-	10,000 00
Total	-	-	\$434,866 38

Military Expenses, viz :

Military department	-	-	5,887,747 00
---------------------	---	---	--------------

Naval Expenses, viz :

Naval department, marine corps, &c.	-	-	1,248,145 10
-------------------------------------	---	---	--------------

Public Debt, viz :

Interest and charges	-	\$1,563,762 35	
Reimbursement of principal	-	5,524,232 60	
			7,087,994 95
Balance in the Treasury, subject to warrant, 31st December, 1813	-	-	5,196,474 26
Aggregate	-	-	\$19,855,227 69

Statement of Receipts and Payments at the Treasury of the United States, from the 1st January to the 30th June, 1814.

RECEIPTS

Cash in the Treasury, subject to warrant, 1st January, 1814	-	-	\$5,196,474 26
Received for the proceeds of the customs	-	\$4,182,088 25	
Arrears of internal revenues and direct taxes	-	4,505 32	
New internal revenue and direct tax	-	2,189,272 40	
Fees on patents	-	3,720 00	
Postage of letters	-	45,000 00	
Net proceeds of prizes captured	-	83,261 79	
Fines, penalties, and forfeitures	-	1,230 97	
Net proceeds of property seized, supposed to belong to A. Burr	-	448 00	
Sales of public lands	-	540,065 68	
Repayments	-	28,577 92	
			7,078,170 33
Loan of seven and a half millions, per act of 2d August, 1813	-	\$3,592,665 00	
Loan of ten millions, per act of 24th Mar., 1814	-	6,087,011 00	

State of the Finances.

Treasury notes, per act of 25th February, 1813	1,070,000 00
Treasury notes, per act of 4th March, 1814	1,392,100 00
	<u>12,141,776 00</u>

Aggregate - - - - \$24,416,420 59

PAYMENTS.

Civil and Miscellaneous Expenses, both Foreign and Domestic.

Civil department, proper	\$571,706 91
Grants and miscellaneous claims	144,194 99
Military pensions	47,424 27
Light-house establishment	66,469 12
Marine hospital establishment	24,697 89
Furniture for the President's House	2,000 00
Prisoners of war	199,000 00
Road from Cumberland to the Ohio	26,924 57
Prize money	108,089 50
Mint establishment	8,125 44
Trading houses with the Indians	8,044 86
Ascertaining land titles in Louisiana	2,757 67
Surveys of public lands	6,167 07
Survey of the coast of the United States	3,127 50
Payment to Georgia for Mississippi lands	96,222 94
Bounty to the owners, &c., of private armed vessels	4,300 00
Privateer pension fund	50,000 00
Diplomatic department	37,149 26
Relief and protection of American sea- men	14,015 26
Treaties with Mediterranean Powers	8,300 00
Contingent expenses of foreign inter- course	12,720 35
Claims on France	2,625 00
Total	<u>\$1,444,062 60</u>

Military Expenses, viz :

Military department	11,210,238 00
---------------------	---------------

Naval Expenses, viz :

Naval Department, marine corps, &c.	4,012,899 90
-------------------------------------	--------------

Public Debt, &c.

Interest and charges	1,539,080 09
Reimbursement of prin- cipal	1,487,500 68
	<u>3,026,580 77</u>

Balance in the Treasury, subject to warrant, 30th June, 1814	4,722,639 32
---	--------------

\$24,416,420 59

B.

TREASURY DEPARTMENT,

April 4, 1814.

Whereas, by an act of Congress, passed on the 24th day of March, 1814, the President of the United States is authorized to borrow, on the credit of the United States, a sum not exceeding twenty-five millions of dollars; and, whereas, the President of the United States did, by an act or commission, under his hand, dated the 20th day of March, 1814, authorize and empower the Secretary of the Treasury to borrow, on behalf of the

United States, the aforesaid sum of twenty-five millions of dollars, or any part thereof, pursuant to the act of Congress above recited :

Notice is therefore hereby given, that proposals will be received by the Secretary of the Treasury, until the 2d day of May next, from any person or persons, body or bodies corporate, who may offer, for themselves or others, to loan to the United States, on account and in part of the aforesaid sum of twenty-five millions of dollars, the sum of ten millions of dollars, or any part thereof, not less than twenty-five thousand dollars.

The stock to be issued for the money loaned, will bear an interest of six per cent. per annum, payable quarter yearly; and the proposals must distinctly state the amount of money offered to be loaned, and the rate at which the aforesaid stock will be received for the same.

The amount loaned is to be paid into a bank or banks authorized by the Treasury, in instalments, in the following manner, viz :

One-fourth part, or twenty-five dollars on each hundred dollars, on the twenty-fifth day of May next.

And one-fourth part on the 25th day of each of the ensuing months of June, July, and August next.

On the day fixed for the payment of any instalment after the first, all the remaining instalments may be paid.

The sum loaned is to be paid into such bank or banks as may be mutually convenient to the lender and to the Government, in the State where the lender resides, if desired by him. The proposals must state the bank or banks into which the lender may desire to make the payments.

If proposals, differing in terms from one another, should be accepted, the option will be allowed to any persons whose proposals may be accepted, of taking the terms allowed to any other person whose proposals may be accepted.

No proposals will be received for a sum less than twenty-five thousand dollars; but a commission of one-fourth of one per cent. will be allowed to any person collecting subscriptions for the purpose of incorporating them in one proposal, to the amount of twenty-five thousand dollars, or upwards, provided such proposal shall be accepted.

If proposals shall be made, amounting together to a greater sum than that required, the preference will, on equal terms, be given to those made by persons who were subscribers to the loan of eleven millions, in the year 1812.

On failure of payment of any instalment, the next preceding instalment to be forfeited.

Scrip certificates will be issued by the cashiers of the banks where the payments shall be made, to the persons making the payments; and the said cashiers will endorse on the certificates the payments of the several instalments, when made.

The scrip certificates will be assignable by endorsement and delivery; and will be funded after the completion of the payments, upon presentation by the proprietor, to the Commissioner of

State of the Finances.

Loans for the State where the payments have been made.

The funded stock to be thus issued, will be irredeemable until the 31st day of December, 1826; will be transferable in the same manner as the other funded stock of the United States; and will be charged for the regular and quarterly payment of its interest, and for the ultimate reimbursement of its principal, upon the annual fund of eight millions of dollars, appropriated for the payment of the principal and interest of the debt of the United States, in the manner pointed out in the aforesaid act of the 24th of March, 1814.

GEO. W. CAMPBELL,
Secretary of the Treasury.

Ba.

WASHINGTON, 4th mo. 30th, 1814.

RESPECTED FRIEND: I will loan to the Government of the United States five millions of dollars, receiving one hundred dollars six per cent. stock for each eighty-eight dollars paid; and will pay the money in the proportions, and at the periods, mentioned in thy advertisement of the 4th of April, to their credit, in such banks in the United States as may be agreeable to thee.

On the payment of each instalment, and satisfactory assurances for the payment of the others, funded stock to be issued. It being understood and agreed that, if terms more favorable to the loaners be allowed for any part of the twenty-five millions authorized to be borrowed the present year, the same terms are to be extended to this contract.

The commission of one quarter of one per cent. mentioned in thy advertisement, to be allowed me on the amount loaned.

With great respect and esteem, I am thy assured friend,

JACOB BARKER.

The Hon. G. W. CAMPBELL,
Secretary of the Treasury.

Bb.

TREASURY DEPARTMENT,
May 2, 1814.

SIR: The terms upon which the loan has been concluded, are as follows, viz:

Eighty-eight dollars in money for each hundred dollars in stock; and the United States engage, if any part of the sum of twenty-five millions of dollars, authorized to be borrowed by the act of the 24th of March, 1814, is borrowed upon terms more favorable to the lenders, the benefit of the same terms shall be extended to the persons who may then hold the stock, or any part of it, issued for the present loan of ten millions.

Your proposal of the 30th of April, 1814, for \$5,000,000 of the loan, having been at the above rate, or at a rate more favorable than the above to the United States, has been accepted; and you will please to pay, or cause to be paid, on the 25th day of the present month, into the bank or banks you have named, or into such as you shall name

to the Secretary of the Treasury, on the receipt of this letter, twenty-five per cent., or one-fourth part of the sum above stated, pursuant to the notification from this department, of the 4th of April last, and the remaining instalments on the days fixed in the said notification. You will be pleased, also, on or before the 25th of May, to furnish the cashier or cashiers of the bank or banks where the payments under your proposal are to be made, with the names of the persons in whose behalf the proposal has been made, and the sums payable by each.

The commission of one-fourth of one per cent. will be paid from the Treasury after the payment of the first instalment, on the 25th day of the present month.

I am, respectfully, yours, &c.

G. W. CAMPBELL,
Secretary of the Treasury.

JACOB BARKER, Esq., New York.

A similar letter was addressed to the persons undermentioned, who made proposals for the sums set against their names, respectively:

Peleg Tallman, Bath, Maine	- - -	\$25,000
Levi Cutter, Portland do.	- - -	94,000
John Woodman, do.	- - -	50,000
Henry S. Langdon, Portsmouth, New Hampshire	- - -	40,000
John W. Treadwell, Salem, Massachusetts	- - -	416,156
Thomas Perkins, Salem, Massachusetts	- - -	25,000
William Gray, Boston	- - -	197,000
Samuel Dana, do.	- - -	25,000
Jesse Putnam, do.	- - -	67,900
Amos Binney, do.	- - -	35,000
Nathan Waterman, jr., Providence, Rhode Island	- - -	35,300
James D'Wolf, Bristol	- - -	100,000
John R. Shearman, Newport	- - -	35,000
Elisha Tracy, Norwich, Connecticut	- - -	30,000
Michael Shepherd, Hartford do.	- - -	25,000
Abraham Bishop, New Haven do.	- - -	25,000
John Taylor, Albany	- - -	150,000
Alamon Douglas, Troy	- - -	50,000
Smith and Nicoll, New York	- - -	80,000
Harmon Hendricks, do.	- - -	42,000
G. B. Vroom, do.	- - -	500,000
Samuel Flewelling do.	- - -	257,300
Jacob Barker do.	- - -	5,000,000
Whitehead Fish do.	- - -	250,000
Guy Bryan, Philadelphia	- - -	50,000
Thomas Newman, do.	- - -	108,000
Samuel Carswell, do.	- - -	28,000
Paul Beck, jr., do.	- - -	50,000
Wm. Patterson & Sons, Baltimore	- - -	50,000
George T. Dunbar, do.	- - -	191,000
James Cox, do.	- - -	71,900
Dennis A. Smith, do.	- - -	200,000
Samuel Eliot, jr., Washington	- - -	100,000
Alexander Kerr, do.	- - -	33,000
W. Jones, for Navy and Privateer Pension Funds, Washington	- - -	200,000
William Whann, Washington	- - -	42,000
Anthony C. Cazenove, Alexandria	- - -	30,000
Charles B. Cochran, Charleston, South Carolina	- - -	250,000

State of the Finances.

David Alexander, Charleston, South Carolina	60,000
John Lukins, Charleston, South Carolina,	70,000
Thomas W. Bacot, do. do.	115,000
James Taylor, Newport, Kentucky	25,000
	<u>\$9,229,056</u>

There was subsequently offered, and accepted, proposals by the undermentioned persons, for the following sums, viz :

William Whann, Washington	\$190,000
Do. do.	200,000
Robert C. Jennings, Richmond, Virginia	176,000
	<u>\$566,000</u>

C.

TREASURY DEPARTMENT.

July 25, 1814.

Notice is hereby given, that proposals will be received by the Secretary of the Treasury, until the 22d day of August next, for loaning to the United States the sum of *six millions* of dollars, or any part thereof, not less than twenty-five millions of dollars, the same being in part of the sum of twenty-five millions of dollars authorized to be borrowed by the act of Congress of the 24th day of March last.

The stock to be issued for the money loaned, will bear an interest of six per cent. per annum, payable quarter yearly; and the proposals must distinctly state the amount of money offered to be loaned, and the rate at which the aforesaid stock will be received for the same.

The amount loaned is to be paid into a bank or banks authorized by the Treasury, in instalments in the following manner, viz :

One-fourth part, or twenty-five dollars on each hundred dollars, on the tenth day of September next.

And one-fourth part on the tenth day of each of the ensuing months, of October, November, and December next.

On the day fixed for the payment of the first, or any other instalment, all the remaining instalments may be paid at the option of the lender.

The proposals must state the banks into which the lender may desire to make his payments; and he will be allowed to make them according to his wishes, thus expressed, in all cases where the convenience of the Treasury will permit.

The same terms will be allowed to all whose proposals are accepted.

No proposals will be received for a sum less than twenty-five thousand dollars; but a commission of one-fourth of one per cent. will be allowed to any person collecting subscriptions for the purpose of incorporating them in one proposal to the amount of twenty-five thousand dollars, or upwards, provided such proposal shall be accepted.

On failure of payment of any instalment, the next preceding instalment to be forfeited.

All the instalments must be paid at the same

bank as that at which the first instalment shall be paid.

Scrip certificates will be issued by the cashiers of the banks where the payments shall be made, to the persons making the payments; and the said cashiers will endorse on these certificates the payments of the several instalments when made.

The scrip certificates will be assignable by endorsement and delivery, and will be funded after the completion of the payments, upon presentation to the Commissioners of Loans for the State where the payments have been made.

Certificates of funded stock will also be issued, if the holders of scrip certificates shall desire it, for the amount of any instalment paid, after the payment of the next succeeding instalment.

The funded stock to be thus issued will be irredeemable till after the 31st day of December, 1826; will be transferable in the same manner as the other funded stock of the United States; and will be charged for the regular and quarterly payment of its interest, and for the ultimate reimbursement of its principal, upon the annual fund of eight millions of dollars appropriated for the payment of the principal and interest of the debt of the United States in the manner pointed out in the aforesaid act of the 24th of March, 1814.

G. W. CAMPBELL,
Secretary of the Treasury.

Ca.

BALTIMORE, August 22, 1814.

SIR: I will take eighteen hundred thousand dollars of the six millions loan, at the rate of eighty per cent. The periods of payment to be in conformity with your advertisement for proposals; and the banks into which the payments shall be made, are the Bank of Pennsylvania and the Mechanics' Bank of Baltimore.

I am, sir, with great respect, your obedient servant,

D. A. SMITH.

G. W. CAMPBELL, Esq., *Sec'y Treas'y.*

Cb.

TREASURY DEPARTMENT,
August 31, 1814.

SIR: That part of the loan of six millions of dollars for which the proposals were accepted, has been taken at the rate of eighty dollars, in money, for one hundred dollars in stock. Your proposal for — dollars being at that rate, or at one more favorable for the United States, has been accepted, and you will be pleased to make your payments into the bank or banks specified in your proposal, in the manner, and at the times stated in the public notification. But as some delay, the cause of which is doubtless known to you, has unavoidably taken place in advising you of the acceptance of your proposal, the first payment may, if your convenience shall require it, be made on the 20th instead of the 10th of September, as required by the public notification. This, however, will not affect the subsequent instalments, which are, nev-

State of the Sinking Fund.

ertheless, to be paid on the days already fixed, viz: the 10th day of the months of October, November and December.

The same causes which have occasioned a delay in advising you of the acceptance of your proposal, will perhaps render it impossible to place the scrip certificates in the hands of cashiers of the banks where the payments are to be made, by the time at which the first instalment will be payable. If this should be the case, you will please to receive from the cashier his receipt for the amount which you may pay, to be subsequently exchanged for a scrip certificate, when those papers shall be ready for delivery.

I am, respectfully, sir, your obedient servant,

G. W. CAMPBELL,

Secretary of the Treasury.

The above letter was addressed to the following persons, who made proposals for the sums affixed to their names respectively, viz:

William Rice, Portsmouth New Hampshire	\$43,000
Henry S. Langdon, do. - - -	35,000
Amasa Stetson, Boston - - -	37,000
Jesse Putnam, do. - - -	15,000
Nathan Waterman, jr., Providence Rhode Island - - -	10,000
John S. Shearman, Newport, do. - - -	25,000
John Savage, Philadelphia - - -	240,000
William W. Smith, do. - - -	100,000
William Patterson and Sons, Baltimore - - -	70,000
Dennis A. Smith, do. - - -	1,800,000
James L. Hawkins, do. - - -	15,000
John P. Van Ness, and others, Washington - - -	201,000
David English, Georgetown - - -	35,000
John Lukens, Charleston - - -	47,300
George M. Deaderick, Nashville - - -	50,000
	<u>\$2,723,300</u>

There has been subsequently offered, and accepted, proposals from the undermentioned persons, for the following sums, viz:

George T. Dunbar, Baltimore - - -	120,000
Clement Smith, Georgetown - - -	87,000
	<u>\$207,000</u>

Of the persons who originally made proposals, the following have given notice that they could not carry them into effect:

John Savage, Philadelphia - - -	\$240,000
William W. Smith, do. - - -	100,000
William Patterson and Sons, Baltimore - - -	70,000
	<u>\$410,000</u>

SINKING FUND.

[Communicated to the Senate, February 6, 1815.]

The Commissioners of the Sinking Fund respectfully report to Congress as follows:

That the measures which have been authorized by the Board, subsequent to their last report, of the 5th of February, 1814, so far as the same have been completed, are fully detailed in the re-

port of the Secretary of the Treasury to this Board, dated the sixth day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

JOHN GAILLARD,
President of the Senate, pro tem.

JAMES MONROE,
Acting Secretary of State.

A. J. DALLAS,
Secretary of the Treasury.

WASHINGTON, February 6, 1815.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund—

That the balance of moneys advanced on account of the public debt, remaining unexpended at the end of the year 1812, and applicable to payments falling due after that year, which balance, as appears by the statement B, annexed to the last annual report, amounted to - - - - \$335,826 04

Together with sums disbursed from the Treasury during the year 1813, on account of the principal and interest of the public debt, which sums, as appears by the statement C, annexed to the last annual report, amounted to - - - - 11,110,117 43

Together with a further sum arising from profit in exchange on remittances from America to Europe, during the year 1813, amounting, as appears by the statement D, annexed to the last annual report, to - - - \$98,452 06

From which is to be deducted, as explained in the note to the statement B, annexed to this report, the sum of 6,202 20

92,249 86

And with a further sum, being the difference between the principal of stock purchased during the year 1813, and the money paid for the same, of - - - - 1,902 34

And amounting, together, to - - \$11,540,095 67

Have been accounted for in the following manner, viz:

I. There was repaid into the Treasury, during the year 1813, on account of the principal of moneys heretofore advanced for the payment of the public debt, as appears by the statement E, annexed to the last annual report, the sum of - - - \$2,002 43

II. The sums actually applied during the year 1813, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the annexed statement A, to ten millions seven hundred and seventy-six thousand eight hundred and eighty-seven dollars forty-nine cents, viz:

State of the Sinking Fund.

I. In reimbursement of the principal of the public debt -	\$7,177,432 27
2. On account of the interest and charges on the same -	3,599,455 22
	<u>10,776,887 49</u>

III. The balance remaining unexpended, at the close of the year 1813, and applicable to payments falling due after that year, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the annexed statement B, to -	761,205 75
	<u>\$11,540,095 67</u>

That, during the year 1814, the following disbursements were made out of the Treasury, on account of the principal and interest of the public debt, viz:

1. On account of the interest and reimbursement of the funded domestic debt -	\$4,937,451 33
2. On account of the principal and interest of temporary loans, viz: Reimbursement of principal -	250,000 00
Payment of interest -	57,798 90
	<u>307,798 90</u>
3. On account of the principal and interest of Treasury notes -	2,979,783 40
4. On account of the interest on Louisiana stock, payable in Europe -	161,847 06

Amounting, together, as will appear by the annexed list of warrants, marked C, to -	\$8,386,880 59
---	----------------

Which disbursements were made out of the following funds, viz:

I. From the balance of the annual appropriation of eight millions of dollars for the year 1813, remaining unexpended at the end of that year, which balance amounted, as stated in the last annual report, to -	442,254 11
---	------------

II. From the funds constituting the annual appropriation of eight millions of dollars for the year 1814, viz:

From the fund arising from the interest on the debt transferred to the Commissioners of the Sinking Fund, as per statement, I -	\$2,003,495 54
---	----------------

From the fund arising from the net proceeds of the sales of public lands, being the amount received into the Treasury from the 1st of October, 1813, to the 30th of September, 1814, as per statement K, -	1,021,058 19
--	--------------

From the proceeds of duties on goods, wares, and merchandise, imported, and

on the tonnage of vessels -	4,633,736 10
Which sum of -	\$7,658,289 83
Being deducted from the annual appropriation of -	8,000,000 00

Leaves an undrawn balance, to be applied in addition to the appropriation for the year 1815, of -

341,710 17

III. From repayments into the Treasury, on account of moneys heretofore advanced for the payment of interest on the Louisiana stock in Europe, and for the payment of the principal and interest of Treasury notes, as will appear by the annexed statement E -	286,336 65
	<u>8,336,880 59</u>

That the disbursements above mentioned, together with the balance above stated, which remained unexpended at the end of the year 1813, of -

761,205 75

Together with a further sum arising from profit in exchange, on remittances from America to Europe, made in the year 1814, and amounting, as appears by the annexed statement D, to -

19,827 61

Making together -

\$9,167,913 95

Will be accounted for in the next annual report, in conformity with the accounts which shall then have been rendered to the Treasury Department.

That, in the meantime, the manner in which the said sum has been applied is estimated as follows, viz:

I. The repayments into the Treasury on account of the principal of moneys advanced for the payment of interest on the Louisiana stock in Europe, and for the payment of principal and interest of Treasury notes, have amounted, during the year 1814, as by the above-mentioned statement E, to -

286,336 65

II. The sums actually applied, during the year 1814, to the principal and interest of the public debt, are estimated as follows:

1. Paid in reimbursement of the principal of public debt -	\$4,283,735 90
2. Paid on account of interest and charges on the same -	4,586,348 54

As will appear by the annexed statement F -

8,870,084 44

III. The balance which remained unexpended at the end of the year 1814, and applicable to payments falling due after that year, is estimated, per annexed statement G, at -

11,492 86

\$9,167,913 95

Increase of the Military Establishment.

That, agreeably to the terms of the contracts by which certain temporary loans had heretofore been obtained, under the authority of the act of the 14th of March, 1812, the instalments of the following loans, which became payable in the year 1814, were duly paid at the times when they respectively became payable, viz :

To the Bank of Baltimore, on the 16th November, 1814 - - -	\$100,000 00
To the State Bank, at Charleston, on the 1st December, 1814 - - -	150,000 00
	<hr/> \$250,000 00 <hr/>

Two instalments of \$250,000 each, which became payable on the 16th and 31st December, 1814, to the State Bank, Boston, were not paid. it having been impracticable, in consequence of the general suspension of payments in specie, by the banks, to transfer the amount from those banks in which the moneys of the Treasury were deposited, to Boston, where the payment was to be made, and equally impracticable to obtain the money on the spot for that purpose.

That, during the year 1814, and on the 1st of January, 1815, Treasury notes became payable (in addition to those payable in the months of January and February, 1814, for the payment of which money was advanced in the year 1813, as stated in the annual report of February, 1814) amounting to \$5,357,300. Of these, there was paid, or money advanced from the Treasury for their payment, notes amounting to \$2,558,100, at the times and places stated in the annexed statement, marked L. From the same causes as those above stated, which prevented the reimbursement of the temporary loans payable to the State Bank, Boston, it was impracticable to provide at the Treasury for the payment of the remainder of the above mentioned notes ; and they remain unpaid, amounting to \$2,799,200. The times when, and the places at which, they became payable, are exhibited in the annexed statement, marked M.

For the payment of the dividend on the domestic funded debt, payable at the Loan Office in Massachusetts, on the 1st day of October, 1814, the Commissioner of Loans was furnished with a draft of the Treasury of the United States, on the State Bank, Boston, he having at that time a much larger sum than was necessary for this object, deposited to his credit in that bank. The draft was, nevertheless, refused payment by the bank, except upon the condition of paying the public creditors, whose dividends amounted to one hundred dollars, or upwards, in Treasury notes ; and the payment to such of the creditors, as have been paid, is understood to have been made in that way.

For the payment of the dividend payable at the same Loan Office, on the 1st day of January 1815, the Treasury was unable, from the causes above stated, to make any other provision than that of Treasury notes ; and such of the public creditors, as have received their dividends payable that day, at that Loan office, have been paid in those notes.

A statement marked H, is annexed, exhibiting the amount of stock transferred to the Commissioners of the Sinking Fund, and standing to their credit on the books of the Treasury, on the 31st December, 1814.

All which is respectfully submitted,
A. J. DALLAS,
Secretary of the Treasury.

FEBRUARY 6, 1815.

[The tabular statements are omitted.]

IMPROVEMENT AND INCREASE OF THE MILITARY ESTABLISHMENT.

[Communicated to the Senate, November 5, 1814.]

SENATE'S COMMITTEE CHAMBER,
September 23, 1814.

SIR: In obedience to instructions from the committee, appointed to take into consideration the accompanying resolution, I do myself the honor to ask information from you upon the following points:

1st. What are the defects in the present Military Establishment ?

2d. What further provisions, by law, are deemed necessary to remedy such defects ?

Be pleased, sir, to accept assurances of my high consideration.

WM. B. GILES, *Chairman.*
The Hon. JAMES MONROE,
Acting Secretary of War.

COMMITTEE CHAMBER, Sept. 24, 1814.

SIR: In obedience to instructions from the Committee on Military Affairs, I now do myself the honor of enclosing, for your consideration, a resolution of the Senate of the 23d instant,* and of requesting that, in replying to the inquiries made by the committee on yesterday, you will give such information, and in such manner, in relation to the objects of the said resolution, as you may judge advisable.

Be pleased, sir, to accept assurances of my high consideration.

WM. B. GILES, *Chairman.*
The Hon. JAMES MONROE,
Acting Secretary of War.

DEPARTMENT OF WAR,
October 17, 1814.

SIR: The great importance of the subject, and the other duties of the Department, which could not fail to be very sensibly felt, at so interesting a period, by a person who had just taken charge of it, are my apology for not answering your letter of the 23d of September, at an earlier day, on the defects of the present Military Establishment.

* *Resolved*, That the Committee on Military Affairs be instructed to inquire into the state of preparations for the defence of the City of Washington, and whether any further provisions, by law, be necessary for that object.

Increase of the Military Establishment.

Due consideration has been bestowed on the subject-matter of that letter, and I have now the honor to submit to the committee the following report:

1. That the present Military Establishment, amounting to 62,448 men, be preserved and made complete, and that the most efficient means authorized by the Constitution, and consistent with the equal rights of our fellow-citizens, be adopted to fill the ranks, and with the least possible delay.

2. That a permanent force, consisting of not less than 40,000 men, in addition to the present Military Establishment, be raised, for the defence of our cities and frontiers, under an engagement by the Executive with each corps that it shall be employed in that service within certain specified limits. And that a proportional augmentation of general officers of each grade, and other staff, be provided for.

3. That the corps of engineers be enlarged.

4. That the ordnance department be amended.

Respecting the enlargement of the corps of engineers, I shall submit hereafter a more detailed communication.

For the proposed amendment of the ordnance department, I submit a report from the senior officer in that department, now in this city, which is approved.

I shall be ready and happy to communicate such further remarks and details on these subjects as the committee may desire, and shall request permission to suggest, hereafter, the result of further attention to, and reflection on, our Military Establishment generally, should anything occur which may be deemed worthy its attention.

I have the honor to be, with great respect, your very obedient servant,

JAMES MONROE.

HON. WILLIAM B. GILES,
Chairman Committee on Military Affairs.

Explanatory Observations.

In providing a force necessary to bring this war to a happy termination, the nature of the crisis in which we are involved, and the extent of its dangers, claim particular attention. If the means are not fully adequate to the end, discomfiture must inevitably ensue.

It may fairly be presumed that it is the object of the British Government, by striking at the principal sources of our prosperity, to diminish the importance, if not to destroy the political existence of the United States. If any doubt remained on this subject, it has been completely removed by the despatches from our Ministers at Ghent, which were lately laid before Congress.

A nation contending for its existence against an enemy powerful by land and sea, favored, in a peculiar manner, by extraordinary events, must make great exertions, and suffer great sacrifices. Forced to contend again for our liberties and independence, we are called on for a display of all the patriotism which distinguished our fellow-citizens in the first great struggle. It may be fairly concluded that if the United States sacri-

fice any right, or make any dishonorable concession to the demands of the British Government, the spirit of the nation will be broken, and the foundations of their union and independence shaken. The United States must relinquish no right or perish in the struggle. There is no intermediate ground to rest on. A concession on one point leads directly to the surrender of every other. The result of the contest cannot be doubtful. The highest confidence is entertained that the stronger the pressure, and the greater the danger, the more firm and vigorous will be the resistance, and the more successful and glorious the result.

It is the avowed purpose of the enemy to lay waste and destroy our cities and villages, and to desolate our coast, of which examples have already been afforded. It is evidently his intention to press the war along the whole extent of our seaboard, in the hope of exhausting equally the spirits of the people and the national resources. There is also reason to presume that it is the intention to press the war from Canada on the adjoining States, while attempts are made on the city of New York, and other important points, with a view to the vain project of dismemberment or subjugation. It may be inferred likewise, to be a part of the scheme, to continue to invade this part of the Union, while a separate force attacks the State of Louisiana, in the hope of taking possession of the city of New Orleans, and of the mouth of the Mississippi, that great inlet and key to the commerce of all that portion of the United States lying westward of the Alleghany mountains. The peace in Europe having given to the enemy a large disposable force, has essentially favored these objects.

The advantage which a great naval superiority gives to the enemy, by enabling him to move troops from one quarter to another, from Maine to the Mississippi, a coast of two thousand miles extent, is very considerable. Even a small force, moved in this manner, for the purposes avowed by the British commanders, cannot fail to be sensibly felt; more especially by those who are most exposed to it. It is obvious that, if the militia are to be relied on, principally, for the defence of our cities and coast against these predatory and desolating incursions, wherever they may be made, that, by interfering with their ordinary pursuits of industry, it must be attended with serious interruption and loss to them, and an injury to the public, while it greatly increases the expense. It is an object, therefore, of the highest importance, to provide a regular force with the means of transporting it from one quarter to another, along our coast, thereby following the movements of the enemy, with the greatest possible rapidity, and repelling the attack wherever it may be made. These remarks are equally true as to the militia service generally, under the present organization of the militia, and the short terms of service prescribed by law. It may be stated with confidence, that at least three times the force, in militia, has been employed at our principal cities, along the coast and on the frontier, in marching to, and returning thence, that would have been

Increase of the Military Establishment.

necessary in regular troops; and that the expense attending it has been more than proportionably augmented, from the difficulty, if not the impossibility of preserving the same degree of system in the militia as in the regular service.

But it will not be sufficient to repel these predatory and desolating incursions. To bring the war to an honorable termination, we must not be contented with defending ourselves. Different feelings must be touched, and apprehensions excited, in the British Government. By pushing the war into Canada, we secure the friendship of the Indian tribes, and command their services, otherwise to be turned by the enemy against us; we relieve the coast from the desolation which is intended for it, and we keep in our hands a safe pledge for an honorable peace.

It follows, from this view of the subject, that it will be necessary to bring into the field, next campaign, not less than one hundred thousand regular troops. Such a force, aided, in extraordinary emergencies, by volunteers and the militia, will place us above all inquietude as to the final result of this contest. It will fix on a solid and imperishable foundation, our Union and independence, on which the liberties and happiness of our fellow-citizens so essentially depend. It will secure to the United States an early and advantageous peace. It will arrest, in the further prosecution of the war, the desolation of our cities and our coast, by enabling us to retort on the enemy those calamities which our citizens have been already doomed to suffer—a resort which self defence alone, and a sacred regard for the rights and honor of the nation, could induce the United States to adopt.

The return of the regular force now in service, laid before you, will show how many men will be necessary to fill the present corps; and the return of the numerical force of the present Military Establishment will show how many are required to complete it to the number proposed. The next and most important inquiry is, how shall these men be raised? Under existing circumstances, it is evident that the most prompt and efficient mode that can be devised, consistent with the equal rights of every citizen, ought to be adopted. The following plans are respectfully submitted to the consideration of the committee. Being distinct in their nature, I will present each separately, with the considerations applicable to it.

First Plan.

Let the free male population of the United States, between eighteen and forty-five years, be formed into classes of one hundred men each, and let each class furnish four men for the war, within thirty days after the classification, and replace them in the event of casualty.

The classification to be formed with a view to the equal distribution of property among the several classes.

If any class fails to provide the men required of it, within the time specified, they shall be raised by draught on the whole class, any person

thus draughted being allowed to furnish a substitute.

The present bounty in land to be allowed to each recruit, and the present bounty in money, which is paid to each recruit by the United States, to be paid to each draught by all the inhabitants within the precinct of the class within which the draught may be made, equally, according to the value of the property which they may respectively possess; and if such bounty be not paid within — days, the same to be levied on all the taxable property of the said inhabitants; and, in like manner, the bounty, whatever it may be, which may be employed in raising a recruit, to avoid a draught, to be assessed on the taxable property of the whole precinct.

The recruits to be delivered over to the recruiting officer in each district, to be marched to such places of general rendezvous as may be designated by the Department of War.

That this plan will be efficient cannot be doubted. It is evident that the men contemplated may soon be raised by it. Three modes occur by which it may be carried into effect: 1st. By placing the execution of it in the hands of the county courts throughout the United States: 2d. By relying on the militia officers in each county: 3d. By appointing particular persons for that purpose in every county. It is believed that either of these modes would be found adequate.

Nor does there appear to be any well founded objection to the right in Congress to adopt this plan, or to its equality in its application to our fellow-citizens individually. Congress have a right, by the Constitution, to raise regular armies, and no restraint is imposed on the exercise of it, except in the provisions which are intended to guard generally against the abuse of power, with none of which does this plan interfere. It is proposed that it shall operate on all alike; that none shall be exempted from it except the Chief Magistrate of the United States, and the Governors of the several States.

It would be absurd to suppose that Congress could not carry this power into effect, otherwise than by accepting the voluntary service of individuals. It might happen that an army could not be raised in that mode, whence the power would have been granted in vain. The safety of the State might depend on such an army. Long-continued invasions, conducted by regular, well disciplined troops, can best be repelled by troops kept constantly in the field, and equally well disciplined. Courage in an army is, in a great measure, mechanical. A small body, well trained, accustomed to action, gallantly led on, often breaks three or four times the number of more respectable and more brave, but raw and undisciplined troops. The sense of danger is diminished by frequent exposure to it, without harm; and confidence, even in the timid, is inspired by a knowledge that reliance may be placed on orders, which can grow up only by service together. The grant to Congress to raise armies, was made with a knowledge of all these circumstances, and with an intention that it should take effect. The

Increase of the Military Establishment.

framers of the Constitution, and the States who ratified it, knew the advantage which an enemy might have over us, by regular forces, and intended to place their country on an equal footing.

The idea that the United States cannot raise a regular army in any other mode than by accepting the voluntary service of individuals, is believed to be repugnant to the uniform construction of all grants of power, and equally so to the first principles and leading objects of the Federal compact. An unqualified grant of power gives the means necessary to carry it into effect. This is an universal maxim, which admits of no exception. Equally true is it, that the conservation of the State is a duty paramount to all others. The commonwealth has a right to the service of all its citizens; or, rather, the citizens composing the commonwealth have a right, collectively and individually, to the service of each other, to repel any danger which may be menaced. The manner in which the service is to be apportioned among the citizens, and rendered by them, are objects of legislation. All that is to be dreaded in such case, is, the abuse of power; and, happily, our Constitution has provided ample security against that evil.

In support of this right in Congress, the militia service affords a conclusive proof and striking example. The organization of the militia is an act of public authority, not a voluntary association. The service required must be performed by all, under penalties, which delinquents pay. The generous and patriotic perform them cheerfully. In the alacrity with which the call of the Government has been obeyed, and the cheerfulness with which the service has been performed throughout the United States, by the great body of the militia, there is abundant cause to rejoice in the strength of our Republican institutions, and in the virtue of the people.

The plan proposed is not more compulsive than the militia service, while it is free from most of the objections to it. The militia service calls from home, for long terms, whole districts of country. None can elude the call. Few can avoid the service; and those who do are compelled to pay great sums for substitutes. This plan fixes on no one personally, and opens to all who choose it a chance of declining the service. It is a principal object of this plan to engage in the defence of the State the unmarried and youthful, who can best defend it, and best be spared, and to secure to those who render this important service an adequate compensation from the voluntary contributions of the more wealthy, in every class. Great confidence is entertained that such contribution will be made in time to avoid a draught. Indeed, it is believed to be the necessary and inevitable tendency of this plan to produce that effect.

The limited powers which the United States have in organizing the militia may be urged as an argument against their right to raise regular troops in the mode proposed. If any argument could be drawn from that circumstance, I should suppose that it would be in favor of an opposite

conclusion. The power of the United States over the militia has been limited, and that for raising regular armies granted without limitation. There was doubtless some object in this arrangement. The fair inference seems to be, that it was made on great consideration; that the limitation, in the first instance, was intentional, the consequence of the unqualified grant in the second. But it is said, that, by drawing the men from the militia service into the regular army, and putting them under regular officers, you violate a principle of the Constitution, which provides that the militia shall be commanded by their own officers. If this was the fact, the conclusion would follow. But it is not the fact. The men are not drawn from the militia, but from the population of the country. When they enlist voluntarily, it is not as militiamen that they act, but as citizens. If they are draughted, it must be in the same sense. In both instances, they are enrolled in the militia corps; but that, as is presumed, cannot prevent the voluntary act in the one instance or the compulsive in the other. The whole population of the United States, within certain ages, belong to these corps. If the United States could not form regular armies from them, they could raise none.

In proposing a draught as one of the modes of raising men, in case of actual necessity, in the present great emergency of the country, I have thought it my duty to examine such objections to it as occurred, particularly those of a Constitutional nature. It is from my sacred regard for the principles of our Constitution, that I have ventured to trouble the committee with any remarks on this part of the subject.

Should it appear that this mode of raising recruits was justly objectionable, on account of the tax on property, from difficulties which may be apprehended in the execution, or from other causes, it may be advisable to decline the tax, and for the Government to pay the whole bounty. In this case, it is proposed that, in lieu of the present bounty, the sum of fifty dollars be allowed to each recruit or draught, at the time of his engagement, and one hundred acres of land in addition to the present bounty in land, for every year that the war may continue.

It is impossible to state, with mathematical accuracy, the number which will be raised by the ratio of 4 to 100, or 1 to 25, nor is it necessary. It is probable that it will be rather more than sufficient to fill the present corps. The extra number, in that case, may form a part of the local force in contemplation, a power to that effect being given to the President.

No radical change in the present Military Establishment is proposed. Should any modification be found necessary, on further consideration, it will form the subject of a separate communication. It is thought advisable, in general, to preserve the corps in their present form, and to fill them with new recruits, in the manner stated. All these corps have already seen service, and many of them acquired in active scenes much experience and useful knowledge. By preserving them in their present form, and under their pres-

Increase of the Military Establishment.

ent officers, and filling them with new recruits, the improvement of the latter will be rapid. In two or three months, it will be difficult to distinguish between the new and old levies.

The additional force to be provided amounts to forty thousand men. Of this it is proposed that local corps be raised, to consist partly of infantry, partly of mounted men, and partly of artillery. There is reason to believe that such corps may be raised in the principal cities, and even on the frontiers, to serve for the war, under an engagement as to the limit beyond which they should not be carried. Every able-bodied citizen is willing and ready to fight for his home, his family, and his country, when invaded. Of this we have seen in the present year the most honorable and gratifying proofs. It does not suit all, however, to go great distances from home. This generous and patriotic spirit may be taken advantage of, under proper arrangements, with the happiest effects to the country, and without essential inconvenience to the parties.

The officers who may be appointed to command these corps should be charged with recruiting them. Local defence being their sole object, it may be presumed that the corps will soon be raised. Patriotism alone will furnish a very powerful motive. It seems reasonable, however, that some recompense should be made to those who relieve others from the burden; one hundred acres of land and fifty dollars to each recruit will, it is presumed, be deemed sufficient.

It is proposed that this additional force shall form a part of any plan that may be adopted.

Second Plan.

This plan consists of a classification of the militia, and the extension of their terms of service.

Let the whole militia of the United States be divided into the following classes, viz.:

All free male persons, capable of service, between the ages of 18 and 25, into one class; all those between the ages of 25 and 32, into another class; and those between 32 and 45, into a third class.

It is proposed, also, that the President shall have power to call into service any portion of either of these classes which, in his judgment, the exigencies of the country may require, to remain in service two years from the time each corps shall be assembled at the appointed place of rendezvous.

It is believed that a shorter term than two years would not give to these corps the efficiency in military operations that is desired, and deemed indispensable; nor avoid the evils that are so sensibly felt, and generally complained of, under the present arrangement. It requires two campaigns to make a complete soldier, especially where the corps, officers, and men, are alike raw and inexperienced. In the interim, the numbers must be multiplied, to supply the defect of discipline; and it requires the extension of the term of service, to avoid the additional proportional augmentation of having so many in the field at the same time, in marching to the frontier, and returning from it. The inconvenience to the parties, and

loss to the community, in other respects, need not be repeated. It is proper to add, only, that, if substitutes are allowed in this service, it must put an end to the recruiting of men for the regular Army, especially the old corps. Of the justice of this remark what has occurred in the present year has furnished full proof. It follows that, if this plan is adopted, the militia must be relied on principally, if not altogether, in the farther prosecution of the war.

The additional force for local service, amounting to forty thousand men, will likewise form a part, as already observed, of this plan.

Third Plan.

It is proposed by this plan to exempt every five men from militia service, who shall find one to serve for the war. It is probable that some recruits might be raised in this mode, in most or all of the States. But it is apprehended that it would prevent recruiting in every other mode, by the high bounty which some of the wealthy might give. The consequence would probably be very injurious, as it is not believed that any great number could be raised in this mode.

Fourth Plan.

Should all the preceding plans be found objectionable, it remains that the present system of recruiting be adhered to, with an augmentation of the bounty in land. Should this be preferred, it is advised that, in addition to the 160 acres of land now given, 100 be allowed annually for every year while the war lasts.

These plans are thought more deserving the attention of the committee than any that have occurred. The first, for the reasons stated, is preferred. It is believed that it will be found more efficient against the enemy, less expensive to the public, and less burdensome on our fellow-citizens.

It has likewise the venerable sanction of our Revolution. In that great struggle, resort was had to this expedient for filling the ranks of our regular army, with decisive effect.

It is not intended by these remarks, should the first plan be adopted, to dispense altogether with the service of the militia. Although the principal burden of the war may thereby be taken from the militia, reliance must still be placed on them for important aids, especially in cases of sudden invasion. For this purpose it will still be advisable that the men be classed according to age, and that their term of service be prolonged. Even should this plan be attended with all the advantages expected of it, such an arrangement could not fail to produce the happiest effect. The proof which it would afford of the impregnable strength of the country, of the patient virtue and invincible spirit of the people, would admonish the enemy how vain and fruitless his invasions must be, and might dispose him to a speedy, just, and honorable peace.

Of the very important services already rendered by the militia, even under the present organization, too much cannot be said. If the United States make the exertion which is proposed, it is probable that the contest will soon be at an end

Increase of the Military Establishment.

It cannot be doubted that it is in their power to expel the British forces from this continent, should the British Government, by persevering in its unjust demands, make that an object with the American people. Against our united and vigorous efforts, the resistance of the enemy will soon become light and feeble. Success in every fair and honorable claim is within our easy grasp. And surely the United States have every possible inducement to make the effort necessary to secure it. I should insult the understanding, and wound the feelings of the committee, if I touched on the calamities incident to defeat. Dangers which are remote, and can never be realized, excite no alarm with a gallant and generous people. But the advantages of success have a fair claim to their deliberate consideration. The effort which we have already made has attracted the attention and extorted the praise of other nations. Already have most of the absurd theories and idle speculations on our system of Government been refuted and put down. We are now felt and respected as a Power, and it is the dread which the enemy entertains of our vast resources and growing importance, that has induced him to push the war against us, after its professed objects had ceased. Success by the discomfiture of his schemes, and the attainment of an honorable peace, will place the United States on higher ground, in the opinion of the world, than they have held at any former period. In future wars, their commerce will be permitted to take its lawful range unmolested. Their remonstrances to foreign Governments will not again be put aside unheeded. Few will be presented, because there will seldom be occasion for them. Our Union, founded on interest and affection, will have acquired new strength by the proof it will have afforded of the important advantages attending it. Respected abroad, and happy at home, the United States will have accomplished the great objects for which they have so long contended. As a nation, they will have little to dread; as a people, little to desire.

Extract from Marshall's Life of Washington volume 4th, page 241.

"In general, the Assemblies of the States followed the example of Congress, and apportioned on the several counties or towns, within the State, the quota to be furnished by each. This division of the State was again to be subdivided into classes, and each was to furnish a man by contributions or taxes on itself. In some instances, a draught was to be used in the last resort, in others the man was to be recruited by persons appointed for that purpose, and the class to be taxed with the sum given for his bounty."

Extract from Ramsey's Life of Washington, 2d volume, page 246.

"Where voluntary enlistments fell short of the proposed number, the deficiencies were, by the laws of several States, to be made up by draught on lots from the militia. The towns in New England, and the counties in the Middle States, were respectively called on for a specified number of men. Such was the zeal of the people in

New England, that neighbors would often elect together to engage one of their number to go into the Army. Maryland directed her Lieutenants of counties to class all the property in their respective counties into as many equal classes as there were men wanted, and each class was by law obliged, within ten days thereafter, to furnish an able-bodied recruit during the war; and in case of their neglecting or refusing to do so, the county Lieutenants were authorized to procure men at their expense, at any rate not exceeding fifteen pounds in every hundred pounds' worth of property classed agreeably to law. Virginia also classed her citizens, and called upon the respective classes for every fifteenth man for public service. Pennsylvania concentrated the requisite power in the President, Mr. Reed, and authorized him to decree forth the resources of the State, under certain limitations, and, if necessary, to declare martial law over the State. The execution of these arrangements, although uncommonly vigorous, lagged far behind."

SENATE'S COMMITTEE CHAMBER.

October 19, 1814.

SIR: I lost not a moment in laying before the Committee of the Senate on Military Affairs the report you did me the honor to address to me on the 17th, and received on the 18th instant, in reply to a former communication; and, after the most respectful consideration of that report, I am instructed by the Committee to ask from you further information upon the following points:

1st. Whether any defects have been heretofore discovered in the existing provisions for filling the ranks of the regular Army? If so, what are the defects?

2d. In what mode, in the opinion of the War Department, could such defects be best remedied by legislative provisions?

3d. The Committee also request an outline of the plan for raising the forty thousand men proposed by your report, and particularly how far limitations are proposed to be imposed by law upon the President of the United States, in the application of that force?

I have the honor to be, sir, with great respect, your obedient servant,

WM. B. GILES, *Chairman.*

Hon. JAMES MONROE, *Secretary of War.*

WAR DEPARTMENT, Oct. 21, 1814.

SIR: In reply to your letter of yesterday, I have to state that I shall have the honor of an interview with the Committee of the Senate on Military Affairs, at half after nine o'clock to-morrow morning, at the house in which Congress holds its session. I shall then be happy to communicate to the Committee the views of this Department on the subjects adverted to in your letter.

I have the honor to be, with great respect, sir, your obedient servant,

JAMES MONROE.

Hon. W. B. GILES, *Senate, U. S.*

*Increase of the Military Establishment.*SENATE'S COMMITTEE CHAMBER,
October 21, 1814.

SIR: I have this moment received your letter of the same date herewith, probably by mistake; and immediately submitted its contents to the Committee on Military Affairs, by whom I am instructed to inform you that the committee will be happy to receive your personal attendance to-morrow morning, at the time and for the objects mentioned in your letter.

I have the honor to be, with great respect, sir, your obedient servant,

W. B. GILES, *Chairman.*

Hon. JAMES MONROE, *Secretary of War.*

ADJ'T AND INSPECTOR GEN'S OFFICE,
Washington, October 22, 1814.

SIR: By direction of the Secretary of War, I have the honor to enclose herewith an abstract of the general return of the Army of the United States, to October 1st, 1814. Should the committee require a more general return, similar to the one furnished the Military Committee of the House, it could be furnished in the course of the next week. I am, sir, yours respectfully,

JOHN R. BELL,
Assistant Inspector General.

Hon. Mr. GILES, *Senate Washington.*

Return of the whole number of Recruits enlisted, agreeably to the act of Congress, passed 27th of January, 1814, for the several Corps and Regiments of the Army, from the 1st of February to the 20th of September, 1814, inclusive; agreeably to the returns received at this office.

Regiment light artillery	-	-	-	-	342
Regiment light dragoons	-	-	-	-	174
Corps of artillery	-	-	-	-	345
1st regiment infantry	-	-	-	-	91
2d do	-	-	-	-	46
3d do	-	-	-	-	5
4th do	-	-	-	-	158
5th do	-	-	-	-	215
6th do	-	-	-	-	180
7th do	-	-	-	-	143
8th do	-	-	-	-	210
9th do	-	-	-	-	215
10th do	-	-	-	-	205
11th do	-	-	-	-	194
12th do	-	-	-	-	159
13th do	-	-	-	-	330
14th do	-	-	-	-	180
15th do	-	-	-	-	213
16th do	-	-	-	-	262
17th do	-	-	-	-	262
18th do	-	-	-	-	82
19th do	-	-	-	-	346
20th do	-	-	-	-	153
21st do	-	-	-	-	198
22d do	-	-	-	-	162
23d do	-	-	-	-	323
24th do	-	-	-	-	108
25th do	-	-	-	-	310
26th do	-	-	-	-	165
27th do	-	-	-	-	550
28th do	-	-	-	-	146

29th regiment of infantry	-	-	-	-	503
30th do	-	-	-	-	274
31st do	-	-	-	-	161
32d do	-	-	-	-	23
33d do	-	-	-	-	181
34th do	-	-	-	-	441
35th do	-	-	-	-	362
36th do	-	-	-	-	136
37th do	-	-	-	-	330
38th do	-	-	-	-	206
39th do	-	-	-	-	192
40th do	-	-	-	-	
41st do	-	-	-	-	223
42d do	-	-	-	-	188
43d do	-	-	-	-	122
44th do	-	-	-	-	292
45th do	-	-	-	-	344
46th do	-	-	-	-	
1st rifle regiment	-	-	-	-	148
2d do	-	-	-	-	172
3d do	-	-	-	-	124
4th do	-	-	-	-	97
Total	-	-	-	-	9,991

It will be perceived that, from two of the above regiments, no return of recruits has been received; from many of them the returns for September have not been received. The whole number of recruits made since the passage of the law above referred to, to the present time, may be estimated at one thousand five hundred more than the above return.

ADJ'T AND INSPECTOR GEN'S OFFICE,
October 26, 1814.

JOHN R. BELL,
Assistant Inspector General.

SENATE'S COMMITTEE CHAMBER,
October 24, 1814.

SIR: The Committee of the Senate on Military Affairs being extremely anxious to come to a final determination upon the object of its appointment, and deeming some farther information from your Department essential to enable it to determine correctly, has instructed me to ask for information on the following points:

1st. To what causes is the failure in the recruiting service, heretofore, properly attributable?

2. Has such failure arisen from any failure to place the requisite sums of money in the hands of the recruiting officers; or, has it arisen from the indisposition of the citizens to enlist?

Any other information within your Department, tending to throw light upon this subject, would be particularly acceptable to the Committee.

I am, sir, with great respect, your obedient servant,

WM. B. GILES, *Chairman.*

Hon JAMES MONROE, *Sec'y of War.*

WAR DEPARTMENT, Oct. 26. 1814.

SIR: In reply to the letter which I received from you of the 24th, I have the honor to transmit to you a report of the Paymaster General, of

Return of Enlistments.

the sums of money advanced on account of the recruiting service, since the 27th of January last. I also transmit a return of the number of men recruited within that time. A more detailed return, showing how many have been recruited in each month, in each regiment, shall be furnished as soon as it can be prepared.

By these returns it appears that more money has been advanced on account of the recruiting service than was sufficient to raise a much greater number of men than has been recruited. A considerable sum remains to be accounted for by the recruiting officers. Whether any of them failed in their duty, is an object of inquiry for this Department, which will not be neglected. I have been too short a time in it to make myself thoroughly acquainted with their conduct in this respect. By these returns, it would follow that the failure in the recruiting service was not owing to the want of money, if it was certain that the recruiting officers had in all instances done their duty; and that the money had been distributed in those quarters of our country where it would have been most easy to obtain recruits. How far the failure ought to be attributed to either of those causes, it is not in my power to state.

From the view which I have taken of the subject, founded on the best information I have been able to collect, I am led to believe that the failure of the recruiting service has been owing, in most of the States, principally to the high bounty given for substitutes by the detached militia.

Many of the militia detached for six months have given a greater sum for substitutes than the bounty allowed by the United States for a recruit to serve for the war.

I have the honor to be, with great respect, sir, your obedient servant,

JAMES MONROE.

Hon. WM. B. GILES, *Chairman, &c.*

ARMY PAY OFFICE, WASHINGTON,
October 26, 1814.

The Paymaster of the Army of the United States, to whom has been referred the letter from the honorable the Chairman of the Committee of the Senate on Military Affairs to the Secretary of War, under date of October 24th, 1814, has the honor to report:

1st. That the books of this office exhibit the disbursement of two millions and twelve thousand four hundred and thirty-nine dollars and thirty-three cents, on account of bounties and premiums for recruits, between the 27th of January, 1814, the date of the passage of the law increasing the bounty, and the date hereof: the distribution of this sum, as nearly as can well be ascertained, has been as follows, viz:

To Massachusetts, including the District of Maine	- - - -	\$237,400 00
To New Hampshire	- - - -	37,800 00
To Vermont	- - - -	109,300 00
To Connecticut	- - - -	78,932 00
To Rhode Island	- - - -	1,000 00
To New York	- - - -	495,320 00

To New Jersey	- - - -	15,000 00
To Pennsylvania	- - - -	190,900 00
To Delaware	- - - -	10,000 00
To Maryland, including the District of Columbia	- - - -	95,002 35
To Virginia	- - - -	160,962 98
To North Carolina	- - - -	60,000 00
To South Carolina	- - - -	72,800 00
To Georgia	- - - -	34,000 00
To Tennessee	- - - -	98,500 00
To Kentucky	- - - -	108,000 00
To Ohio	- - - -	96,000 00
To Louisiana	- - - -	83,530 00
To the Michigan Territory	- - - -	20,000 00
To the Mississippi Territory	- - - -	4,000 00
To the Indiana Territory	- - - -	2,000 00
To the Missouri Territory	- - - -	1,492 00
Total	- - - -	\$2,012,439 33

2d. That pressing calls for very considerable sums of money for the recruiting service had been made on him for about three months past, which he has been able but partially to supply.

Respectfully,
ROBERT BRENT,
Paymaster, U. S. A.

Hon. JAMES MONROE,
Secretary of War.

WAR DEPARTMENT, Oct. 29, 1814.

SIR: Enclosed is an abstract of the law establishing the Ordnance Department, and also of the bill now prepared for the new organization of that Department, which will give you a view of the contemplated changes in, and enlargements of the duties and powers of that Department.

I have the honor to be, sir, your obedient servant,
JAMES MONROE.

Hon. WM. B. GILES, *Chairman, &c.*

RETURN OF ENLISTMENTS.

[Communicated to the Senate, November 10, 1814.]

WAR DEPARTMENT, Nov. 10, 1814.

SIR: Since I had the honor to enclose you a statement of the number of men who have been recruited in the Army of the United States during the present year, I have received a further statement from the Assistant Inspector General, attached to this Department.

This report shows more satisfactorily the expenditure of the money which has been advanced on that account, and number of men raised. The same data cannot, however, be adopted in estimating the future progress in recruiting, a considerable number of those who were recruited having been re-enlisted from the old corps. That resource has been exhausted. To form an estimate of the probable future success, we must take into consideration only those who were raised from the country, which is probably the number included in this return.

I have the honor to be, with great respect, sir, your obedient servant,
J. MONROE.
Hon. Mr. GILES, *Chairman, &c.*

Capture of the City of Washington.

ADJ'T AND INSPECTOR GEN'S OFFICE,
WASHINGTON, Nov. 2, 1814.

SIR: The deranged state of the papers in this office by the late removals rendered it impracticable for me, when I submitted the hasty estimate on the 26th October, to have recourse to all the documents of the recruits made within the present year. On a further examination, the enclosed is submitted.

It may be necessary, with a view to your better information, to accompany the return I now have the honor to transmit, with some explanatory observations. The difficulty under which this office has labored for want of regular recruiting returns has been considerable, and necessarily occasions the general return to be inaccurate and unsatisfactory. No pains, however, have been spared to render the accompanying document as accurate as it can be made from the data which the files of this office afford.

In January last, large sums of money were put into the hands of commanders of regiments and corps, for the purpose of re-enlisting the men whose terms of service were about to expire. These were the soldiers enlisted for the additional army of 1808, and those of 1812, enlisted for twelve and eighteen months. This money was distributed among the officers commanding companies, who employed it to its fullest extent in the re-enlistment of their men, who, at the next muster, were returned on the muster rolls as re-enlisted. Satisfied as the officers seem to have been with this species of return, they made no special one to this office of those they had thus re-enlisted.

Indeed, the entire want of some returns, and the irregularity and defectiveness of others, render it extremely difficult to form a correct idea of the manner in which the public money has been expended. By way of illustration, I would refer you to the 46th regiment, of which no recruiting returns whatever have yet been made, when it is known by the Army returns that this regiment contains two hundred and thirty men; and to the 32d regiment, of which there is a return of only forty-two men, when it is known, through the same channel, that it now contains more than three hundred. From this, the difficulty of ascertaining, immediately, to what amount, if any, officers intrusted with public money have been guilty of defalcation, must be evident. On this subject, however, it may be proper to remark, that there exist no grounds for suspecting any defalcations; for, although the returns do not show all the recruits enlisted, and by whom, yet the general return, exhibiting the strength of armies and corps, compared with that of last year, shows plainly that the number of men raised corresponds with sufficient exactness with the money issued for that purpose.

The Paymaster of the Army has issued, up to the 27th October, on account of bounties and premiums, \$2,012,430, which, supposing three thousand men to have received the second moiety of their bounty, (an estimate, it is believed, sufficiently moderate) would raise thirty thousand

and twenty-three men. By the return communicated to the committee in a letter from the Secretary of War of the 1st January last, the effective force of the Army was then eight thousand and twelve. But, by the general return of the 30th of September, which embraces no return of a later date than August, it appears the strength of the Army was then thirty-four thousand and twenty-nine; from which it is evident that twenty-six thousand and seventeen men, at least, must have been raised since January last. I say at least, because the casualties of deaths, desertions, and discharges, during the campaign, are not included. This number would require the sum of \$1,613,054. Now, estimating the casualties during the campaign at three thousand men, which, to raise them, would require \$186,000, and adding to this the second moiety, which is presumed to have been paid to three thousand men, viz: \$150,000, it is clear that, to raise the men borne on the return, it was necessary to expend \$1,949,054. This will leave \$63,385 in the hands of the recruiting officers, nearly the whole of which must have been since expended in the recruiting service.

With much respect, I have the honor to be, sir, your obedient servant,

JOHN R. BELL, *Inspr'r General.*

CAPTURE OF THE CITY OF WASHINGTON

[Communicated to the House, November 29, 1814.]

IN THE HOUSE OF REPRESENTATIVES,
September 23, 1814.

Resolved, That a committee be appointed to inquire into the causes of the success of the enemy in his recent enterprises against this metropolis, and the neighboring town of Alexandria; and into the manner in which the public buildings and property were destroyed, and the amount thereof, and that they have power to send for persons and papers.

Mr. Johnson of Kentucky, Mr. Lowndes, Mr. Stockton, Mr. Miller, Mr. Goldsborough, Mr. Barbour, and Mr. Pickens, were appointed the said committee.

Mr. R. M. JOHNSON made the following report:

The committee charged with an inquiry so intimately concerning the character of Administration, the sensibility of the nation, and the honor of its arms, as the causes of success of the enemy in his recent enterprises against this metropolis, &c., have endeavored to combine despatch with effect, in the manner in which they have collected the facts and views presented in the following statement:

Proceedings of the Cabinet of 7th June, 1814.

Previous to the 2d of July, this city composed a part of military district No. 5. Early in June last, the Secretary of War furnished the President, at his request, with a general report of the strength of the regular troops and militia then in

Capture of the City of Washington.

the service of the United States, and their distribution; which was submitted to the Heads of Departments, by the President, on the 7th of June. The Secretary of the Navy had furnished the President with a similar estimate of our naval forces: that which was applicable to the limits of military district No. 10, will hereafter appear. By a reference to the estimate of the land forces, it appears, that the aggregate number of troops stationed in district No. 5, on the 7th of June, amounted to two thousand two hundred and eight, of which, there were two thousand one hundred and fifty-four effectives, stationed as follows: At Norfolk, two hundred and twenty-four artilleryists; the 20th, 35th, and 1st battalion of the 38th regiment of infantry, amounting to nine hundred and twelve; at Baltimore, one hundred and eleven artilleryists; 2d battalion of the 38th infantry, amounting to three hundred and sixteen: sea fencibles, one hundred and seventy-three; at Annapolis, forty artilleryists; at Fort Washington, eighty-two artilleryists; St. Mary's, 36th regiment of infantry, three hundred and fifty. The meeting of the Cabinet on the 7th, and the estimates of land and naval forces, had no particular relation to the defence of any part of military district No. 5; but for measures generally, and particularly in regard to the campaign on our territorial frontiers in the North and Northwest. Nor does it appear that this city had excited more than ordinary attention at this time.

Proceedings of the Cabinet of the 1st of July.

But, soon after, certain intelligence being received of the complete success of the allies in the subjugation of France, the President believed that the enemy had the inclination and power to increase his military and naval forces against the United States; and, in that event, he believed that a variety of considerations would present this city as one of the prominent objects of attack. On the 26th of June, despatches were received from Mr. Gallatin and Mr. Bayard, confirming the views of the President, which induced him to convene the Heads of Departments on the 1st of July; at which time he presented a plan of a force immediately to be called into the field, and an additional force to be kept in readiness to march, without delay, in case of necessity. It seemed to be his object that some position should be taken between the Eastern Branch and Patuxent, with two or three thousand men, and that an additional force of ten or twelve thousand militia and volunteers should be held in readiness in the neighboring States, including the militia of the District of Columbia, and that convenient depots of arms and military equipments should be established. The measures suggested were approved by the Heads of Departments; or, in other words, it does not appear that any dissent was expressed.

Correspondence of the Secretary of War and General Winder.

The next day, July the 2d, by a general order of the War Department, the 10th military district was created, to embrace the State of Maryland,

the District of Columbia, and that part of Virginia lying between the Rappahannock and Potomac, under the command of Brigadier General Winder, who, being then in Baltimore, was advised of the fact by a letter from the Secretary of War of the same date. On the 4th of July, a requisition was made on certain States for a corps of ninety-three thousand five hundred men, designating the quota of each, with a request to the Executive of each State to detach, and hold in readiness for immediate service, their respective detachments, recommending the expediency of fixing the places of rendezvous, with a due regard to points, the importance or exposure of which would most likely attract the views of the enemy. Of that requisition, two thousand effectives from the quota of Virginia; five thousand from that of Pennsylvania; six thousand, the whole quota of Maryland; and two thousand, the estimated number of the militia of the District of Columbia, were put at the disposition of the Commanding General, as hereafter appears, making the aggregate number of fifteen thousand, exclusive of the regular troops, viz: the 36th regiment, one battalion of the 38th, two troops of dragoons, two companies of the 10th infantry, one company of the 12th, and two companies of sea fencibles, supposed to amount to one thousand men, besides the artilleryists composing the garrisons of Forts McHenry and Washington.

On the 9th of July, General Winder, in a letter to the Secretary of War, on the subject of the duties which devolved upon him as commander of the 10th military district, a previous conversation is alluded to as having taken place between them, in consequence of the request of the Secretary in his letter of the 2d of July. General Winder appears to have understood the intention of the Secretary of War to be, that the militia force proposed for the 10th military district should be draughted and designated, but that no part of it should be called into the field until the hostile squadron in the Chesapeake should be reinforced to such an extent as to render it probable that a serious attack was contemplated; states the difficulty of collecting a force, in an emergency, sufficient to retard the advance of the enemy; and suggests the expediency of calling out four thousand of the militia, with a view to station them, in equal proportions, between South river and Washington, and in the vicinity of Baltimore.

On the 12th of July, the Secretary of War, in a letter to General Winder, encloses a circular, addressed to the Governors of certain States, requiring a body of militia to be organized, equipped, and held in readiness for future service, and authorizes him, in case of actual or menaced invasion of the district under his command, to call for a part or the whole of the quota assigned to the State of Maryland; and in another, of the 17th July, the Secretary authorizes General Winder to draw from Virginia two thousand men; from Pennsylvania, five thousand men; and informs him that the whole of the militia of the District of Columbia, amounting to about two thousand,

Capture of the City of Washington.

was in a disposable state, and subject to his orders; making, together with the six thousand from Maryland, the estimate of fifteen thousand militia. On the 15th of July, the Secretary of War advised General Winder that General Porter had communicated the fact of the arrival of the van of Cochrane's fleet at Lynhaven Bay, and that the agent at Point Lookout had represented that two seventy-fours, two frigates, an armed sloop and brig, ascended the bay at half past five, post meridian, on the 14th; that he considered it proper to call into service the brigade of militia which had been for some time held in readiness at Baltimore, and not knowing whether General Winder was at Baltimore or Annapolis, he had instructed the Major General, under whose orders they were organized, to call them out.

General Winder, in a letter of the 16th of July, to the Secretary of War, among other things expresses his embarrassment in relation to the situation of Annapolis, and gives it as his opinion that a large force and many additional works would be necessary to defend it against a serious attack by land and water; states its importance to the enemy, and the ease with which it might be maintained by them with the command by water, and an entrenchment of seven or eight hundred yards, protected by batteries; represents Fort Madison as exposed, and unhealthy in the months of August and September, provided with two fifty pound columbiads, two twenty-fours, two eighteens, one twelve, and one tom, which might be turned with success against Fort Severn; that these guns should be removed, and arrangements made to blow up the fort; and represents the importance of defending the town if the means could be obtained; states the Governor of Maryland and Council had taken the necessary steps to comply immediately with the requisition of the General Government. On the 17th of July a letter from General Winder to the Secretary of War states that information, that he deemed credible, was received, that the enemy was ascending the river in considerable force; that he had ordered the detachment of regulars to Nottingham, had sent out the alarm to assemble a militia force, and suggests the propriety of sending to that place the marine corps, and all the militia that could be procured from the District of Columbia. The Secretary, on the same day, acknowledges the receipt of the above letter, and states that the marine corps was not under his command; but had sent the request to the President, and as the authority to call the militia was vested in the Commanding General, he had transmitted his requisition upon the District to General Van Ness; he also reminds him that the two regiments near Baltimore had been called into actual service, and expresses the wish of the President that not less than two nor more than three thousand of the draughts, under the requisition of the fourth of July, should be embodied and encamped at some middle point between Baltimore and this city.

From the letter of General Winder, of the 20th of July, it appears the enemy proceeded up the

Patuxent to Hunting creek, landed, and committed some depredations in Calvert county, and returned down the river. Three companies of city volunteers had marched from this District, in obedience to the call of General Winder, which he had halted at the Woodyard, and the detachments of the 36th and 38th regiments at Upper Marlborough, while he proceeded to Annapolis, to arrange with the Governor the calling out of the Maryland militia; which, he states, will be immediately attended to by the Governor. He states that he had called for the largest number directed by the President, viz: three thousand, expecting thereby to get two thousand, the lowest number; that he forebore to dismantle Fort Madison, as it might alarm the people, and produce disagreeable sensations; preferring rather to risk it in case of attack. On the 23d of July, General Winder informs the Secretary of War that the Governor of Maryland had issued his order for calling out three thousand of the draughts under the requisition of the 4th of July, and had appointed Bladensburg as the place of rendezvous according to his suggestion. In another letter of the same date, General Winder informs the Secretary of War that he had deemed it expedient to direct Captain Davidson, with the city volunteers, to return to the City of Washington; from the two-fold consideration that the facility with which they could turn out and proceed to any point, rendered them nearly as effective as if kept in the field, and the importance to them individually of attending to their private concerns. That the rifles used by Captain Dougherty's company were very defective, and that Captain Burch's artillery were without swords. He recommends that the camp equipage should be left in charge of the company officers to facilitate their march. On the 25th of July, General Winder, in a letter to the Secretary of War, dated at Warburton, near Fort Washington, represents that fort, in several respects, to be incomplete in its preparation for defence; encloses a representation of Lieutenant Edwards on the subject; makes a requisition of ammunition, and requests that Colonel Wadsworth may cause the platform to be enlarged, so as to make the battery more effectual. The report of Lieutenant Edwards speaks of the necessity of mounting heavy artillery in the block-house; states that the eighteen pound columbiads were not mounted, and that the garrison wanted means to mount them, being destitute of gin and tackle; represents the width of the platform, which ought to be twenty-one feet, to be only fourteen, and that the heavy guns, at their first discharge, would recoil to the hurtoirs, and on being heated would run over it; that five excellent long eighteens were mounted on the water battery, which would be very useful in case of attack; but there was not a single pound of ammunition for them, and that some of the gun carriages in the fort were quite out of order.

This statement of Lieutenant Edwards was referred, upon its receipt, to Colonel Wadsworth, with orders to supply what was wanting at the

Capture of the City of Washington.

fort, of which the Secretary advised General Winder, bearing date 28th July; and Colonel Wadsworth, in a representation, about the same date, states that two hands had been ordered from Greenleaf's Point, on the Monday previous, to execute the necessary repairs of the gun carriages; that the platform, as well as the parapet, was too narrow, but not so narrow as Lieutenant Edwards had stated, for it was directed to be made twenty or twenty-two feet wide; and that the disadvantage of too narrow a platform could be obviated with no great difficulty, by means of an elastic handspike introduced between the spokes of the wheels, which would prevent them from turning, and thus check the recoil of the piece. Further states, that two hundred rounds of shot and cartridges for the eighteens could be sent down if ordered; that he had long since directed some grape shot to be prepared for the eighteen-pound columbiads; that a tackle and fall to mount the guns in the block-house should be prepared; that Captain Marsteller had just informed him that a good tackle and fall were at the fort when he left it; and that the platform was upwards of twenty feet wide. General Winder, in a letter of the 26th of July, from Piscataway, advises the Secretary of War that the enemy had descended both the Potomac and Patuxent rivers; that he expected him up the bay; and should not be surprised to find Annapolis his object; which he feared would fall before five hundred men; and that he should return to Marlborough as soon as he could ascertain the movements of the enemy. On the 27th of July, General Winder, in two letters to the Secretary of War, from Piscataway, states the force under General Stewart at eight hundred; Colonel Beall's regiment, at Port Tobacco, from three hundred to three hundred and fifty infantry, and forty dragoons; Colonel Bowen's regiment, at Nottingham, at three hundred; and the detachment of regulars, under command of Lieutenant Colonel Scott, was also at Nottingham; and from General Winder's letter to the Secretary of War, of the first of August, from Port Tobacco, it appears that he had the detachment under Lieutenant Colonel Scott at Piscataway.

Correspondence of General Winder with the Governor of Pennsylvania.

In relation to the quota of Pennsylvania, under the requisition of the 4th of July, and more especially as it regards the five thousand men subject to the call of General Winder, and assigned to his command, it appears that General Winder wrote to the Governor of Pennsylvania, on the 6th of August, advising him that the Secretary of War had destined a part of that quota to act under his command, in defending the country, embraced in the 10th military district, and requesting that he might be informed of the place, or places, of rendezvous, which would be fixed for such troops, and recommending places most contiguous to the cities of Washington and Baltimore. On the 8th of August, General Winder writes again to the Governor of Pennsylvania,

stating that, since his first communication, he had read a letter from the Secretary of War, dated July the 17th, which had not reached him at an earlier period, in consequence of his having been in constant motion since that time; which informed him that, of the quota of militia of Pennsylvania, under the requisition of the 4th of July, five thousand were destined for the 10th military district, subject to his call as commanding officer, and requested that as great a proportion of the detachment as possible should be riflemen.

On the 11th of August, Secretary Boileau, under the direction of the Governor of Pennsylvania, in answer to General Winder, states that, in consequence of the deranged state of the militia system, great difficulties occurred to the Executive, in relation to the quota required to be held in readiness for the service of the United States. The only effort that could be made towards a compliance with the requisition, was to have ordered a designation for the service of the requisite troops, under the militia law of 1807, and before the expiration of that law; which order had been issued by the Governor, and was in a course of execution; that the militia law of 1807 expired on the first of August, and that all commissions under it became void, except of such officers as might be in service on that day; and that, by an oversight in the Legislature, no complete organization of the militia could be legally made in Pennsylvania, until the fourth Monday in October, when a classification was to take place.

On the 17th of August, General Winder makes a requisition on the Governor of Pennsylvania for one regiment, to march forthwith to the City of Washington; and, on the day following, in consequence of large reinforcements of the enemy in the mouth of the Patuxent, he calls for the whole five thousand Pennsylvania militia, by virtue of his previous authority. The five thousand were ordered out, to rendezvous at York, Pennsylvania, on the fifth of September; of course, not in time to give any aid on the occasion for which they were called; nor was General Winder's letter of the 18th received by the Governor of Pennsylvania until the evening of the twenty-third.

Correspondence of the Secretary of War and General Winder.

On the 13th of August, General Winder, in a letter to the Secretary of War, states that, in consequence of the acceptance of the 2d regiment draughted from General Smith's division, under the requisition of April, for part of the requisition of the 4th of July, the impracticability, besides impropriety, of calling any portion of the draughted militia from the Eastern Shore of Maryland, and the necessity of leaving all the men, immediately upon the bay, and low down on the rivers of the Western Shore, for local defence; the remaining portion of the Maryland draughts to be assembled at Bladensburg, instead of being three thousand, would not much exceed as many hundred; yet, he would require the Governor to order out all the draughts that could possibly be

Capture of the City of Washington.

spared from the three lower brigades, on the Western Shore; but as the whole number draughted on the Western Shore, exclusive of the brigade drawn from General Smith's division, did not amount to fifteen hundred men, he did not expect more than one thousand under the second order of the Government, that of the 4th of July. The most immediate and convenient resource to supply this deficiency was to take the militia drawn out under the State authority, and assembled at Annapolis, to the amount of one thousand, into the service of the United States, and to call on Pennsylvania for one regiment, which would make his militia between two and three thousand men, besides two regiments from General Smith's division.

In answer to this letter, the Secretary of War, in a letter of the 16th of August, authorizes General Winder to take into the service of the United States the Maryland militia, then at Annapolis, or elsewhere, that had been called out under the State authority, as part of the quota required by the order of the 4th of July.

Correspondence of the Secretary of War with the Governors of Maryland, Pennsylvania, and Virginia.

On the 27th of July the Governor of Maryland states, in a letter to the Secretary of War, that, in conformity to the request of the President of the United States, communicated in the requisition of the fourth, a detachment of 5,500 infantry and six hundred artillery was directed to be organized and held in readiness to move at the shortest notice; and, in order to comply with the requisition of General Winder, for calling into the field three thousand draughts of the Maryland militia, by direction of the President, the whole of the draughts from the Western Shore, about three thousand five hundred infantry, had been ordered to embody. He speaks of the exposed situation of the Western Shore, bordering upon the bay, and presumes that the draughts from that section of the country would not be drawn away, and expects Baltimore will be unwilling to have any force withdrawn from that place, by which any aid might be expected. These considerations had induced the order for the three thousand five hundred men; this force was to be embodied, and moved on the shortest route to Bladensburg; that the artillery of the State was about nine hundred men, two-thirds in Baltimore; it would create uneasiness to take from that place four hundred, the proportion, and he had suspended that order until General Smith should have some communication with the Secretary of War. In a letter of the 20th of July, General Winder made the requisition on the Governor of Maryland for the three thousand militia, urging the necessity of having them assembled and in service with the least possible delay; and, on the 5th of August, the Governor of Maryland informed General Winder, by letter, that his demand for three thousand draughts could not be complied with without the brigade in service at Baltimore, from General Smith's division; that

the draughts from one brigade alone were under marching orders; the orders for the march of those lying on the Chesapeake and Potomac having been suspended.

On the 14th of July Mr. Boileau, Secretary of State for Pennsylvania, acknowledges the receipt of the communication from the War Department, containing the requisition of the 14th of July, for fourteen thousand Pennsylvania militia, which was forwarded by express to the Governor, who was absent, at Selin's Grove, with assurances that the Governor would execute, with promptness, the requisition of the General Government. On the 25th the Governor of Pennsylvania directs the Secretary Boileau to inform the Secretary of War that general orders had been issued in compliance with the requisition of the 4th of July; explains, as before, the difficulties resulting from the militia laws of Pennsylvania, and relies on the patriotism and voluntary services of the people.

On the 14th of July the Deputy Adjutant General of Virginia acknowledged the receipt of the communication from the War Department, containing the requisition of the 4th, and enclosed to the Secretary of War the general orders issued by the Governor of Virginia, on the 22d of June, placing in readiness a provisional force of fifteen thousand men and upwards, to repel sudden invasions, and for the purpose of defence, and the points of rendezvous designated, but not organized upon the Military Establishment of the United States, nor for a longer term than three months; which, with other considerations, prevented the acceptance of any part of those State troops, as a compliance with the requisition of the General Government. The Secretary of War was apprized in this letter, also, that the whole of the Virginia troops, then held in readiness, would be furnished with arms and ammunition by the State of Virginia; and on the 18th, the Secretary of War informs the Governor of Virginia that two thousand of the requisition upon the Virginia militia would be placed at the disposition of General Winder, as commander of the 10th military district.

Having presented a condensed view of the measures of the Cabinet; the correspondence between the Commanding officer and the War Department, the Governors of Pennsylvania and Maryland, and the Commanding General; the correspondence with the Governors of Pennsylvania, Maryland, and Virginia, and the Secretary of War, in regard to the requisition of the 4th of July; it will now be proper to present some facts connected with the movements and arrangements of the Commanding General up to the revocation of his command.

Towards the close of the month of June, the Secretary of War gave to General Winder the first intimation that it was in contemplation to constitute a new military district, embracing the country now composing the 10th military district, and that the President intended to invest him with its command. On the 4th or 5th July, he received notice of his appointment to the 10th military district, and the order creating it; pro-

Capture of the City of Washington.

ceeded to Washington, and called on the Secretary of War, who enumerated the regular force, as before supposed, to amount to one thousand or one thousand two hundred; the residue of his command to be composed of militia to be draughted, and was shown the circular to certain States making the requisition of the 4th. He then returned to Baltimore, and after writing the letter of the 9th, proceeded to Annapolis, to examine it, and to explore the 10th military district generally. The letter of the 12th, from the Secretary of War, was not received until he went to Annapolis, to Upper Marlborough, and back to Annapolis. On the 17th, at Nottingham, received intelligence that the enemy was proceeding up the Patuxent; wrote to the Secretary of War, and to General West, advising him to call out the militia of the county. The detachment of the 36th and 38th regiments was ordered from South River to Nottingham, and three companies of city militia were despatched to him promptly. On the 25th, visited Fort Washington; and on the 1st of August, fixed his permanent headquarters at the City of Washington; viewed and inspected the District militia. The people of St. Mary's and Charles had become importunate for aid and protection, and in obedience to the wish of the President, the 36th and 38th were ordered down to unite with General Stewart; but the enemy having retired, this detachment was encamped at Piscataway. He understood by letters from General Smith, of Baltimore, and the Governor of Maryland, that Stansbury's brigade, upon application of General Smith, had been accepted by the Secretary of War as part of the quota of Maryland militia, under requisition of the 4th of July. On the morning of the 18th of August, Thursday, intelligence was received from the observatory at Point Lookout, that on the morning of the 17th, the enemy's fleet off that place had been reinforced by a formidable squadron of ships and vessels of various sizes. The Commanding General immediately made requisitions on the Governors of Pennsylvania and Maryland; various officers of militia, and the militia of the District of Columbia, were ordered out *en masse*.

On the 19th, General Winder, in a letter to the Secretary of War, submitted several propositions to the President: 1st. Would it be expedient, under the direction of the Navy Department, to have vessels ready to be sunk in the Potomac, at Fort Washington, or other points, at a moment's warning, to obstruct the navigation? 2d. Would it not be proper to put all the boats which can be propelled by oars that are at the City of Washington, under the control of the navy at Fort Washington, to transport troops as events may require? 3d. Would it not be convenient to put the marine corps into service? at all events, to cause them to be in readiness to reinforce Fort Washington at a moment's notice, or to be applied, as events require, to any point of defence? 4th. That the force under Commodore Barney may co-operate with the Commanding General, in case of the abandonment of the flotilla. On the same day, the Secretary of War

in a letter states, that the propositions had been submitted to the President, and General Winder is referred to the Navy Department on the subject of the propositions relating to the means in that department. General Winder's call upon the militia *en masse* is approved; and, on the same day, the Secretary of War, in a letter to General Winder, advises that the cavalry be pushed into the neighborhood of the enemy without delay, if he indicated an attack upon the City of Washington, for the purpose of driving off all horses and cattle, and all supplies of forage, &c., in their route. Not a moment was to be lost. Colonel Monroe, with Captain Thornton's troop of horse, proceeded to find and reconnoitre the enemy on Friday, the 19th; on the same day the militia of Georgetown and the City of Washington, under General Smith, were mustered. On Saturday, the 20th, this and some other forces commenced their line of march towards Benedict, about 1 o'clock, and encamped that night about four miles from the Eastern Branch bridge, on the road to Upper Marlborough. On this day Colonel Monroe communicated the intelligence of the arrival of the enemy at Benedict in force. Same day, Colonel Tilghman and Captain Caldwell, with their commands of horse, were ordered and despatched to annoy the enemy, impede his march, to remove and destroy forage and provisions before the enemy.

On Sunday morning, the 21st, the troops were mustered, and the articles of war read to them. At 12 o'clock, the marines under Captain Miller joined the army; the regulars of the 36th and 38th also joined at the Woodyard, seven miles in advance, to which the main body of our troops were marched and encamped on Sunday night. Two letters from Colonel Monroe, on the 21st, one stating that he had viewed the enemy near Benedict, enumerated twenty-seven square rigged vessels, some bay craft and barges; the other dated from Nottingham, stating the advance of the enemy upon that place by land and water, and recommending the Commanding General to despatch five hundred or six hundred men to fall upon the enemy. Colonel Monroe and Colonel Beall both joined the army at night, and gave an account that the enemy had been viewed by them. Colonel Beall calculated that he had seen four thousand, without supposing he had seen all. Colonel Monroe estimated the enemy at about six thousand; Captain Herbert joins with his troop; Colonel Lavall had joined with two companies of cavalry on the day previous; the enemy remained at Nottingham, except an advance detachment about three miles from town. Monday, the 22d, early in the morning, a light detachment was ordered to meet the enemy, composed of the 36th and 38th—Lieutenant Colonel Scott, Colonel Lavall's cavalry, and three companies from the brigade of General Smith, under command of Major Peter, viz: his own company of artillery, Captain Stull's rifle corps, and Captain Davidson's light infantry. This detachment marched on the road to Nottingham, about 9 o'clock; the remainder of the army marched about one mile

Capture of the City of Washington.

in advance, to an elevated position; the Commanding General with his staff, accompanied by Colonel Monroe, proceeded in advance to reconnoitre the march of the enemy. Commodore Barney had joined the army with his flotilla men, besides the marines under Captain Miller; the horse preceded the advance detachment of our forces, met the enemy, and retired before them. This induced the advance corps to take a position to impede the march of the enemy; but the advance detachment was ordered to retrograde and join the main body of the army that had remained some hours in line of battle, expecting the enemy to come that route to the city, but who took the road to Upper Marlborough, turning to his right after having come within a few miles of our forces; upon which the Commanding General fell back with his whole forces to the Battalion Old Fields, about eight miles from Marlborough, and the same distance from the City of Washington. At this time heavy explosions in the direction of Marlborough announced the destruction of the flotilla under command of Commodore Barney. The enemy arrived at Upper Marlborough about 2 o'clock, and remained there until late next day, to be joined, it is presumed, by the detachment of the enemy which had been sent against the flotilla.

The Commanding General proceeded to Marlborough and found the enemy encamped; several prisoners taken; gave information that the enemy would remain in that position until next day; and after making observations of the enemy till the close of the day, General Winder returned to the army. Late in the evening of this day, the President, with the Secretaries of War and Navy, and the Attorney General, joined General Winder at the Battalion Old Fields, and remained with him till the evening of the 23d. In the morning the troops were drawn up and reviewed by the President. The most contradictory reports prevailed as to the movements and force of the enemy, and it was doubtful in camp whether Annapolis, Fort Washington—with a view to co-operate with his naval forces—or the City of Washington, was his object. As to numbers, rumors vibrated from four thousand to twelve thousand; the best opinion was from five to seven thousand. Our forces at this time at the Old Fields are variously estimated, with no material difference, at about three thousand men, in the following corps: About four hundred horse, under the command of the following officers: Lieutenant Colonel Lavall, Colonel Tilghman, Captains Caldwell, Thornton, Herbert, Williams, &c.; four hundred regular troops, under the command of Lieutenant Colonel Scott, viz: 36th, 38th, and Captain Morgan's company of the 12th infantry; six hundred marines and flotilla men under Commodore Barney and Captain Miller, with five pieces of heavy artillery, two eighteen pounders, and three twelve pounders; one thousand eight hundred militia and volunteers. Gen. Smith's brigade of Georgetown and city militia, and Maryland militia under Colonel Kramer; of which there were two companies of artillery

under Captain Burch and Major Peter, with six six-pounders each, making an aggregate of three thousand two hundred, with seventeen pieces of artillery. The enemy was without cavalry, and had two small field pieces and one howitzer, drawn by men; and the whole country well calculated for defence, skirmishing, and to impede the march of an enemy.

The enemy remained at Upper Marlborough till after 12 o'clock, about which time General Winder again ordered the detachment under Lieutenant Colonel Scott and Major Peter to advance and meet the enemy if he should be found advancing, or to attack his positions.—About this time, 12 o'clock, some prisoners were taken, and from the information given by them, and the observations of the videttes, General Winder was induced to believe that the enemy intended to remain stationary for the day, which induced him to think of uniting with him the forces at Bladensburg, and he despatched orders to General Stansbury, and other corps at Bladensburg, to move direct for Upper Marlborough, and proceeded himself towards Bladensburg to meet and hurry on the forces to form a junction. When General Winder left the command with General Smith, and proceeded towards Bladensburg with several troops of cavalry, he left orders that the advance corps should march upon the enemy, and annoy him by all possible means if in march, or if not, then in his positions; and if he advanced upon Bladensburg, General Smith, with the main body, should fall upon his flank, or be governed by circumstances in other movements.

Captain Caldwell joined the advance corps at 2 o'clock, P.M. An express brought intelligence that the enemy had left Upper Marlborough; that our advance had met the enemy about six miles in advance of our forces, and after a skirmish, in which Captain Stull's company had about four or five rounds, was compelled to retreat, and that the enemy was advancing. One of the Aids of General Smith was despatched for General Winder; the whole army was placed in a favorable attitude of defence, in which position it continued until about sunset, when General Winder, who had arrived some time previous, ordered the army to march to the City of Washington. The enemy was about three miles distant, and remained there that night. Having remained till the going down of the sun, the retreat to the city was induced by several considerations, stated by the Commanding General. 1st. To effect a union of his whole forces. 2d. The fear of a night attack, from the superiority of the enemy, and want of discipline in his troops. And, 3d. In a night attack his superiority in artillery could not be used. The march of our army to the city was extremely rapid and precipitate, and orders occasionally given to captains of companies to hurry on the men, who were extremely fatigued and exhausted before the camping ground was reached, near the Eastern Branch bridge, within the District of Columbia.

General Stansbury had arrived at Bladensburg

Capture of the City of Washington.

on the 22d, and the 5th Baltimore regiment, including the artillery and rifle corps, on the evening of the 23d; and, at 12 o'clock at night, Colonel Monroe, in passing through Bladensburg to the City of Washington, advised General Stansbury to fall upon the rear of the enemy forthwith, as it was understood that he was in motion for the city. General Stansbury having been ordered to take post at Bladensburg, did not think he was at liberty to leave it; but, independent of this consideration, the fatigue of the troops under Colonel Sterret made it impracticable.

It is here proper to state, that, on the 22d, the Secretary of War, in a letter to General Winder, which closes their written communications previous to the 24th, except a short note of that morning, states that he had ordered Gen. Douglas to march with his command to the District, without seeking a rendezvous with General Hungerford; that a detachment of the 12th infantry had arrived; that it should be armed, equipped, and march to the Woodyard; that the Baltimore brigade would arrive at Bladensburg that day, and suggests the propriety of throwing Barney's seamen and some other troops on the right of Nottingham—a demonstration which would menace the rear of the enemy, and his communication with his shipping, which would, if not stop, much retard his progress. On the morning of the 24th, in a short note to the Secretary of War, General Winder says, the information up the river is threatening; Barney, or some other force, should occupy the batteries at Greenleaf's Point and Navy Yard, and wishes counsel from the Government or the Secretary of War. Upon this note there is an endorsement in the handwriting of General Armstrong to this effect: "Went to General Winder, saw no necessity for ordering Barney to Greenleaf's Point or Navy Yard, advised the Commodore to join the army at Bladensburg, and ordered Minor's regiment to that place."

On the 21st, late at night, Colonel Tayloe arrived in the city from the Northern Neck, where he had been charged with orders in relation to the Virginia draughts, and reported himself to General Armstrong, who issued the following general order:

"WAR DEPARTMENT,
August 22, 1814.—12 o'clock.

"General Order:

"General Douglass will assemble his brigade at Alexandria, and hold it there subject to orders.

"JOHN ARMSTRONG."

Colonel Tayloe executed this order, and Tuesday night, the 23d, again reported himself to General Armstrong, who issued the following orders:

"General Order:

"WAR DEPARTMENT.

"Lieutenant Colonel Minor will repair to Washington, with the regiment under his command, with the utmost despatch. He will report on his arrival to Colonel Carbery of the 36th regiment, and make a requisition for arms and ammunition.

"JOHN ARMSTRONG."

"WAR DEPARTMENT, Aug. 23, 1814.

"General Order:

"All the militia now in and marching to Alexandria, besides Colonel Minor, will march immediately to Washington. These orders will be communicated by Colonel Tayloe.

"JOHN ARMSTRONG."

On the 18th of August, General Van Ness ordered General Young to call out, *en masse*, the brigade under his command, including the Alexandria militia; the same day, two troops of cavalry, attached to the brigade, were ordered to rendezvous at Bladensburg; on the 19th, at four o'clock in the morning, to accompany Colonel Monroe, Secretary of State, and to be subject to his order. On the 20th, in the afternoon, Gen. Young's brigade was ordered by General Winder to cross the Potomac, opposite Alexandria, and encamp in the best position, and wait further orders, which was effected—the brigade consisting of four hundred and fifty-four men, two brass six-pounders and one brass four-pounder. On the 22d, early, General Young, by order of General Winder, marched his brigade and took a position on a height near the head of Piscataway creek, about three miles in the rear of Fort Washington, where the ground was favorable for a small detachment to defend the country against a much greater force, and remained in this position until the morning of the 24th, when several orders were given to him; first, to march towards the Eastern Branch bridge; second, to cross the Potomac to the Virginia side, &c. This brigade was intended, in its dispositions, to aid Fort Washington, the town of Alexandria, and to be in a situation to join General Winder.

On the morning of the 24th, General Winder established his headquarters near the Eastern Branch bridge; detachments of horse were out in various directions as videttes, and reconnoitering parties, and arrangements made to destroy the Eastern Branch bridge. Colonel George Minor, with his regiment of Virginia militia, composed of six hundred infantry and one hundred cavalry, arrived at the City of Washington in the twilight of the evening of the 23d: he called on the President, who referred him to the Secretary of War for orders; the Secretary informed him that arms could not be had that night, but gave orders to report himself to Colonel Carbery early in the morning, who would furnish him with arms and ammunition, as he was charged with that duty by General Winder. From early in the morning till late in the forenoon Colonel Minor sought Colonel Carbery diligently, but he could not be found. He rode to headquarters and obtained an order from General Winder upon the arsenal for arms, &c., marched to the place with his regiment, and its care he found committed to a young man, whose caution in giving out arms, &c., very much delayed the arming and supplying this regiment. An instance is here given, when the flints were counted out by the officers of the regiment, to expedite business at this crisis, the young man would

Capture of the City of Washington.

count them over before they could be obtained. Colonel Carbery arrived at this moment, apologized for his absence, and informed Col. Minor that he had the evening previous ridden out to his country seat. Colonel Minor was again delayed some small length of time, in having to remain to sign receipts, &c. His men were ordered to Capitol Hill. In the meantime, various reports were brought into headquarters, as to the movements and intentions of the enemy. The President and Heads of Departments collected at headquarters in the following order: The President, next Secretary of State, next the Attorney General, next the Secretary of the Navy, and last the Secretary of War and Treasury together. Colonel Monroe had left headquarters, upon a rumor, that gained ground, that the enemy was marching upon the city by way of Bladensburg, with a view of joining General Stansbury, advising him of the rumor, and to aid him in the formation of a line of battle to meet the enemy. General Stansbury, for reasons given in his report, had marched from his position in advance of Bladensburg, and occupied the ground west of that village, on the banks of the Eastern Branch. Here the front line of battle was formed by General Stansbury and his officers, with the aid of Colonel Monroe, on the presumption that General Stansbury's brigade and the command of Colonel Sterret included the command of Major Pinkney and Baltimore artillery.

There is a bridge over the Eastern Branch at Bladensburg, and a large turnpike road leading direct to the City of Washington. About four hundred yards from this bridge, some small distance to the left of the road, the Baltimore artillery, six pieces of six pounders, occupied a temporary breast-work of earth, well calculated to command the pass over the bridge. Part of the battalion of riflemen, under Major William Pinkney, and one other company, took position on the right of the artillery, partially protected by a fence and brush; and on the left of the battery, leading to the rear of a barn, two companies, from the regiment under Colonel Shutz, and the other part of the riflemen from Baltimore. Colonel Ragan was posted in the rear of Major Pinkney, his right resting on the road; Colonel Shutz, continuing the line on the left, with a small vacancy in the centre of the two regiments; and Colonel Sterret formed the extreme left flank of the infantry. At this moment, Colonels Beall and Hood entered Bladensburg, with the Maryland militia from Annapolis, crossed the bridge, and took a position on a most commanding height, on the right of the turnpike, about three hundred yards from the road, to secure the right flank. In the meantime, (about eleven o'clock) certain intelligence was received at headquarters, that the enemy was in full march towards Bladensburg; which induced General Winder to put in motion his whole force, except a few men and a piece of artillery left at the Eastern Branch bridge, to destroy it. The day was hot, and the road was dusty—the march was rapid to Bladensburg. The cavalry and

mounted men arrived, and were placed on the left flank, and some small distance in its rear. General Winder now arrived, and told General Stansbury and Colonel Monroe that his whole force was marching for Bladensburg, and approved the dispositions which had been made of the troops; at which moment, it had become impracticable, in the opinion of the officers, to make any essential change: for the two armies were now coming to the battle ground, in opposite directions; and the enemy appeared on the opposite heights at Bladensburg, about a mile distant, and halted fifteen or twenty minutes. This was about twelve o'clock. The troops from the city were disposed of as they arrived. Captain Burch, with three pieces of artillery, was stationed on the extreme left of the infantry of the first line; and a rifle company, armed with muskets, near the battery, to support it. About this time the Secretary of War arrived, and in a few moments after, the President and the Attorney General, and proceeded to examine the disposition of the troops. In the meantime, as the enemy advanced into Bladensburg, the officers were forming rapidly the second line. The command of Commodore Barney came up in a trot; and formed his men on the right of the main road, in a line with the command under Colonels Beall and Hood, with a considerable vacancy, owing to the ground. The heavy artillery, Commodore Barney planted in the road; the three twelve pounders to the right, under Captain Miller, who commanded the flotilla men and marines, as infantry, to support the artillery. Lieutenant Colonel Kramer, with a battalion of Maryland militia, was posted in the wood, in advance of the marines and Colonels Beall and Hood's command. The regiment under command of Colonel Magruder, was stationed on the left of Commodore Barney, and in a line with him and Colonel Beall. The regiment under command of Colonel Brent, and Major Warring's battalion, and some other small detachments, formed the left flank of this second line, and in the rear of Major Peter's battery; and Lieutenant Colonel Scott, with the regulars, was placed in advance of Colonel Magruder, and to the left, forming a line towards Major Peter's battery, but in such a manner as not to mask it; other small detachments in various directions.

About half-past twelve o'clock, while the second line was thus forming, the enemy approached, and the battle commenced. The Baltimore artillery opened a fire and dispersed the enemy's light troops now advancing along the street of the village, who took a temporary cover behind the houses and trees, in loose order, and presented objects only occasionally for the fire of the cannon. The enemy commenced throwing his rockets, and his light troops began to concentrate near the bridge, and to press across it and the river, which was fordable above. The battalion of riflemen, under Major Pinkney, now united gallantly with the fire from the battery. For some minutes the fire was continued with considerable effect; the enemy's column was not only dispersed while in the street, but while approaching the bridge they

Capture of the City of Washington.

were thrown into some confusion, and the British officers were seen exerting themselves to press the soldiers on. Having now gained the bridge, it was passed rapidly, and as the enemy crossed, flanked, formed a line, and advanced steadily on, which compelled the artillery and battalion of riflemen to give way, after which Major Pinkney was severely wounded. He exerted himself to rally his men, and succeeded, at a small distance in the rear of his first position, and united with the fifth Baltimore regiment.

It appears from reports of several officers, Stansbury, Pinkney, Law, Sterret, &c., that the command of General Stansbury was three or four hundred yards in the rear of the battery, and Major Pinkney's riflemen and some other small corps to the left of the battery; of course this small party had to fight with the whole force of the enemy until they retired, and the enemy occupied the ground they left without any considerable resistance, as the enemy marched on without halting after the bridge was passed. Captain Burch and Colonel Sterret were about the same distance, when Colonel Sterret was ordered to advance to support the first line. One of the pieces of artillery was abandoned, but spiked previously. The enemy soon took advantage of the trees of an orchard, which was occupied or held by the force which had just retreated, and kept up a galling fire on part of our line. Captain Burch's artillery, and a small detachment near it, now opened a cross fire upon the enemy. Colonel Sterret, with the fifth Baltimore regiment, was ordered to advance, and made a prompt movement, until ordered to halt, as at this moment the rockets assuming a more horizontal direction, and passing near the heads of Colonel Shutz and Ragan's regiments, the right gave way, which was followed in a few minutes by a general flight of the two regiments, in defiance of all the exertions of General Winder, Stansbury, and other officers. Burch's artillery and the 5th regiment remained with firmness; the orchard obstructed their fire; but notwithstanding the enemy's light troops were, for a moment, driven back by them, the enemy having gained the right flank of the fifth, which exposed it, Burch's artillery and Colonel Sterret, who commanded the fifth, were ordered by General Winder to retreat, with a view of forming at a small distance in the rear; but instead of retiring in order, the fifth, like the two other regiments under General Stansbury, in a very few minutes were retreating in disorder and confusion, notwithstanding the exertions of Colonel Sterret to prevent it. From reports of various officers, exertions were made to rally the men and to bring them again to the battle, which partly succeeded in the first instance, but ultimately, and in a short time, all attempts were vain, and the forces routed; and the first line, together with the horse, were totally routed, and retreated in a road which forked in three directions; one branch led by Rock Creek Church, to Tenleytown and Montgomery Court-house, another led to Georgetown, and a third to the City of Washington. It does not appear that any movement was made or attempted

by the cavalry or horsemen, although the enemy to the left were in open and scattered order, as they pursued or pressed upon our lines, and a most fortunate moment presented itself for a charge of cavalry and horsemen.

It may be proper here to observe that General Winder states his exertions to direct the retreating line to the Capitol, with a view of rallying. This intention is corroborated by Colonel Sterret; but it appears as if this determination was not generally understood by the officers or men. Colonel Kramer, posted on the right of the road, and in advance of Commodore Barney, was next drawn from his position, after having maintained his ground with considerable injury to the enemy, and retreated upon the command of Colonels Beall and Hood, on a commanding eminence to the right. After the retreat of the militia under Colonel Kramer, from his first position, the enemy's column in the road was exposed to an animated discharge from Major Peter's artillery, which continued until they came into contact with Commodore Barney; here the enemy met the greatest resistance, and sustained the greatest loss, advancing upon our retreating line. When the enemy came in full view, and in a heavy column in the main road, Commodore Barney ordered an eighteen pounder to be opened upon them, which completely cleared the road, scattered, and repulsed the enemy for a moment. In several attempts to rally and advance, the enemy was repulsed, which induced him to flank to the right of our lines in an open field. Here Captain Miller opened upon him with the three twelve pounders, and the flotilla men, acting as infantry, with considerable effect. The enemy continued flanking to the right, and pressed upon the command of Colonels Beall and Hood, which gave way, after three or four rounds of ineffectual fire, at a considerable distance from the enemy, while Colonel Beall and other officers attempted to rally the men on this high position. The enemy very soon gained the flank and even the rear of the right of the second line. Commodore Barney, Captain Miller, and some other officers of his command, being wounded, his ammunition wagons having gone off in the disorder, and that which the marines and flotilla men had being exhausted; in this situation, a retreat was ordered by Commodore Barney, who fell himself into the hands of the enemy.

The second line was not exactly connected, but posted in advantageous positions in connexion with and supporting each other. The command of General Smith, including the Georgetown and city militia, still remained in order, and firm, without any part of them having given way, as well as the command of Lieutenant Colonel Scott of the regulars, and some other corps. The enemy's light troops had, in the meantime, advanced on the left of the road, and had gained a line parallel with Smith's command, and, in endeavoring to turn the flank, Colonel Brent was placed in a position calculated to prevent it; the enemy also advanced and came within long shot of part of Colonel Magruder's command, which opened a partial fire, but without much effect; and, at this moment,

Capture of the City of Washington.

and in this situation, General Winder ordered the whole of the troops, then stationary, to retreat, which was effected with as much order as the nature of the ground and the occasion would permit; these troops, after retreating five or six hundred paces, were halted and formed, but were again ordered to retreat by General Winder. General Winder then gave orders to collect and form the troops on the heights west of the turnpike gate, about a mile and a half from the Capitol, which order was in part executed, and the forces formed by General Smith and the other officers, when Colonel George Minor came up with his regiment of Virginia volunteers, and united his forces with General Smith's command, having been detained, as before stated, in obtaining arms, ammunition, &c.; but, while in the act of forming, General Winder gave orders to retire to the Capitol, with the expectation of being united with the troops of the first line. Colonel Minor was ordered to take a certain position and disposition, and cover the retreat of all the forces by remaining until all had marched for the Capitol. The troops were again halted at the Capitol while General Winder was in conference with Colonel Monroe and General Armstrong.

The first line and cavalry, except one troop of Colonel Lavall's, had taken a route which did not bring them to the Capitol; the most of them had proceeded north of the District of Columbia, and others dispersed and returned home, and sought refreshment in the country. The Commanding General represented the diminution of his force, the dispersion of a large portion of it, the want of discipline, the great fatigue of the troops, and believed that it would be impossible to make effectual resistance to the invasion of the city; nor did he think it would be proper to attempt to defend the Capitol, the troops being without provisions, and which would leave every other part of the city to the mercy of the enemy, and the prospect of losing his army. In this consultation, the Secretaries of State and War, it appears, concurred in their views with General Winder, and advised him to retire and rally the troops upon the heights of Georgetown; this produced an order for the whole force to retreat from Capitol Hill through Georgetown. On receiving this order, the troops evinced the deepest anguish, and that order which had been previously maintained was destroyed. General Smith in his report uses this language: "when the order for a retreat from Capitol Hill was received, the troops evinced an anguish beyond the power of language to express." The troops were halted at Tenleytown, and an attempt was made to collect them together, which only partially succeeded. Some returned home, some went in pursuit of refreshments, and those that halted gave themselves up to the uncontrolled feelings which fatigue, exhaustion, privation, and disappointment, produced. The force thus collected were marched about five miles up the Potomac, and, early in the morning, Thursday the 25th, orders were given to assemble the troops at Montgomery Courthouse. General Winder seems to have taken this position with a view to collect

his forces, and to interpose for the protection of Baltimore, in case the enemy marched upon it as was anticipated by him. On the 23d, General Winder despatched an order to the commanding officer at Fort Washington to place patrols on every road leading to the garrison; and, upon the event of his being taken in the rear of the fort, to blow it up and retire across the river. On the 26th, the army at Montgomery took up the line of march about ten o'clock towards Baltimore: General Winder proceeded on to Baltimore. On the 27th, General Smith's brigade marched to this District.

The distance from Benedict to the City of Washington, by Bladensburg, is upwards of fifty miles. The enemy was without baggage wagons or means of transportation; his troops much exhausted with fatigue; many compelled to quit the ranks, and extraordinary exertions used to keep others in motion; and, as if unable to pursue our forces, remained on the battle ground; the enemy's advance reached the city about eight o'clock in the evening, the battle having ended about two o'clock, or before. The main body of the enemy remained on the heights west of the turnpike gate.

Doctor Catlett, the superintending surgeon, who was admitted to attend upon the wounded, and who passed through the enemy's camp, and remained at Bladensburg until the city was evacuated, had the best opportunity of estimating the loss on both sides, as well as a good opportunity to ascertain the number and force of the enemy. His estimate is as follows:

Of the enemy.—On Capitol Hill, seven hundred; Turnpike Hill, two thousand; wounded at Bladensburg, three hundred; attendants, three hundred; wounded and attendants in the City of Washington, sixty; killed at Bladensburg and the city, one hundred and eighty; total force, three thousand five hundred and forty. This statement is corroborated by all the information in his power, besides his own observations. Mr. Law estimated the enemy, on its march, at five thousand; but, from the best information, his estimate would be about four thousand five hundred. Colonel Monroe, who viewed the enemy on his march, estimated the number at about six thousand. General Winder states that the best opinion at the Woodyard made the enemy from five to seven thousand. *Our forces* are variously estimated; and, indeed, from the manner of collecting them, and their dispersion, makes it difficult to ascertain the number with perfect accuracy. General Stansbury represents Colonel Ragan's regiment at five hundred and fifty; Colonel Shutz's regiment at eight hundred; Colonels Beall's and Hood's at eight hundred; Colonel Sterret's regiment at five hundred; Major Pinkney's command, including two companies of artillery, three hundred; making two thousand nine hundred and fifty-three; but General Winder estimates Colonel Beall six or seven hundred; deduct one hundred, this leaves two thousand eight hundred and fifth-three; to which add the command of General Smith, and militia that united with him

Capture of the City of Washington.

at the Woodyard, Battalion Old Fields, &c., the regulars under Lieutenant Colonel Scott, Barney's command, the cavalry, &c., three thousand two hundred; making an aggregate number of six thousand and fifty-three. Besides this force, several detachments are spoken of by General Winder's officers, not known, amounting to several hundred. But as a small detachment was left at the Eastern Branch bridge, others, particularly some of the cavalry, were on detachment, reconnoitering, &c., the number of forces, may be estimated at least at six thousand, including about twenty pieces of artillery, two eighteen pounders, three twelves, and the balance six pounders. Our loss on the field of battle, killed, is estimated by the superintending surgeon at ten or twelve, and the wounded, some of whom died, at about thirty. General Winder's official report estimates our loss at about thirty killed and fifty wounded.

The probable estimate of British forces on the 24th of August, total four thousand five hundred; killed at Bladensburg and in the city, one hundred and fifty; wounded at both places, three hundred. American forces, six thousand; killed, twenty, wounded forty; besides the regiment under command of Colonel Minor, six hundred infantry and one hundred horse, which met the retreat on the west of the turnpike gate; and General Young's brigade about five hundred, which was ordered to remain on the banks of the Potomac, about twelve miles from the City of Washington, until the evening of the 24th, when he crossed over to Alexandria, and proceeded to Montgomery Court-house, to join the main army.

The enemy, on the evening of the 25th, made the greatest exertions to leave the City of Washington. They had about forty indifferent looking horses, ten or twelve carts and wagons, one ox cart, one coach, and several gigs; these were sent to Bladensburg to move off the wounded: a drove of sixty or seventy cattle preceded this party. Arriving at Bladensburg, the British surgeon was ordered to select the wounded who could walk; the forty horses were mounted by those who could ride; the carts and wagons loaded, and upwards of ninety wounded left behind. About twelve o'clock at night the British army passed through Bladensburg, and parties continued until morning, and stragglers until after mid-day. The retreat of the enemy to his shipping was precipitate, and apparently under an alarm, and, it is supposed, that it was known to him that our forces had marched to Montgomery Court-house.

The Hon. Richard Rush, General Stansbury, Major William Pinkney, Dr. Catlett, and Mr. Law, all remark, that General Winder was active and zealous, encouraged the men, and exposed himself, and acted as a man of firmness during the engagement, and endeavored to rally, with other officers, the lines, as they gave way.

There seems to be a general concurrence of statement, that our forces were much fatigued and worn down by marching, counter-marching, and their strength much exhausted, during their service, by remaining under arms much of the night, as well as the day, by false alarms, and

otherwise. Nor does it appear that it was generally known among the officers and men of the first line, that the forces from the city were formed behind in the second line, to meet the enemy and support them. This statement is made by General Stansbury, Major William Pinkney, and some other officers of the first line.

Recapitulation.

This statement of facts has brought the committee to a recapitulation of some of the prominent circumstances in this part of the transaction. Without entering into the consideration of the means in the power of the Administration, and the equal claims of every part of the extensive maritime and territorial frontier of the United States, in proportion to its importance and exposure, to defensive measures, the committee are of opinion that the means authorized for the security of the 10th military district, by the President of the United States, in a Cabinet Council of the 1st of July, were ample and sufficient as to the extent of the force, and seasonable as to the time when the measures were authorized. On the 2d of July the 10th military district was constituted, and the command given to General Winder. On the 4th of July the requisition upon the States for ninety-three thousand five hundred men was made. On the 14th of July the Governors of Pennsylvania and Virginia acknowledged the receipt of the requisition of the 4th, and promised promptitude. About the 10th of July the Governor of Maryland was served with the requisition, and took measures to designate a corps of six thousand men, the whole quota from that State. On the 12th of July General Winder was authorized, in case of menaced or actual invasion, to call into service the whole quota of Maryland. On the 17th General Winder was authorized to call into actual service not less than two, nor more than three thousand of the draughts assigned to his command, to form a permanent force, to be stationed in some central position between Baltimore and the City of Washington. On the same day, 17th of July, General Winder was authorized to call on the State of Pennsylvania for five thousand men; on Virginia, two thousand; on the militia of the District of Columbia, in a disposable state, two thousand; together with the six thousand from Maryland: making an aggregate force of fifteen thousand draughted militia, three thousand of which authorized to be called into actual service, the residue in case of actual or menaced invasion, besides the regular troops, estimated at one thousand—making sixteen thousand, independent of marines and flotilla men. This was the measure of defence contemplated for the military district No. 10, and the measures taken by the War Department up to the 17th of July in execution of it.

In relation to the collection of this force, several unfortunate circumstances intervened to produce a great and manifest failure.

1st. On the 7th of July General Winder was authorized, in consequence of his own suggestions, and in conformity to the wishes of the President,

Capture of the City of Washington.

to call into actual service as many as three thousand, and not less than two thousand of the draughts, under the requisition of the 4th of July, assigned for the operations of his district, as a permanent corps and rallying point with his other forces, in a central position as before stated, to protect Baltimore, the City of Washington, &c. in case of invasion. General Winder, upon the receipt of his authority, proceeded direct to Annapolis, and made this requisition upon the Governor of Maryland for the actual service of three thousand men; and on the 23d of July, thirty-two days previous to the battle at Bladensburg, General Winder informs the Secretary of War that the arrangements for this force had been made, orders had issued, and Bladensburg fixed as the place of rendezvous; and encourages expectation that the collection of the force would be prompt and certain.

On the 27th the Governor of Maryland informs the Secretary of War that measures had been taken to comply with the requisition of the 4th of July, and his orders had issued, calling into actual service three thousand five hundred men, to rendezvous at Bladensburg, to comply with the demand of General Winder, in conformity to the wishes of the President. In the meantime, Stansbury's brigade had been called into service at Baltimore, on account of the alarm about the 15th of July, by the Secretary of War; and although this force constituted a part of the Maryland quota of six thousand, by the consent of the Secretary of War it was to make no part of the three thousand to be called into actual service for the purposes mentioned.

To form a correct estimate of this failure, which did not bring as many hundred men into the field, in the words of General Winder, it may be proper to state, that at all times the marines, flotilla men, and regular troops, including the different garrisons, amounted to upwards of one thousand men. The militia of the District of Columbia amounted to two thousand men. These were always in a disposable state, and acknowledged by General Winder, in his letter of the 23d, to be almost as efficient as if in actual service, and the event proved this to be correct. The disposable force at Baltimore, including Stansbury's brigade, amounted to upwards of two thousand men, as the event proved, making an efficient force of at least eight thousand men, if the call for three thousand had been complied with. To this add the designated force assigned to the 10th military district, and the force to be raised on the spur of the occasion by calls upon the militia and population of the country *en masse*, and whose disposition is always operated upon more or less in proportion to the prospect of success. On the 13th of August, twenty-one days after the Secretary of War was informed that this arrangement had been made, General Winder advises him that there would be almost a total failure in relation to the call for the three thousand men, and, as a temporary remedy, proposes the acceptance of certain State troops, supposed to be about one thousand, under Colonels Beall and Hood, then in service at An-

napolis, which was authorized; and these troops came to the battle ground, as before stated, about one half an hour before the action on the 24th of August. The reasons which operated to produce this failure have been detailed, and there can be no object in having them repeated, as the committee do not consider it a duty to discuss the merit of those considerations.

2dly. On the 17th of July, the Secretary of War, by letter, authorized the Commanding General to call on Pennsylvania for five thousand men; on Virginia for two thousand men, &c., as before stated. This letter was not received by General Winder until about the 8th of August, as appears by his correspondence with the Governor of Pennsylvania, after a lapse of about twenty-three days. In explaining the delay in the receipt of this letter, General Winder says it originated from his being in constant motion, in traversing and examining the situation and various military positions of his command, and the letter had gone the circuit with him without having received it. It is impossible for the committee to say what particular influence this circumstance had upon the collection of the troops; and it may be proper here to state, that the difficulties explained in relation to the militia laws of Pennsylvania had no bearing upon the failure of our arms, as no specific call was made upon that State till the 17th of August, when one regiment was demanded, and on the 18th, the whole five thousand were demanded; but this requisition was not received by the Governor of Pennsylvania until the evening of the 23d, at which time the Pennsylvania detachment had been designated under the requisition of the 4th, and ready for the call which was made upon it.

3dly. The unfortunate circumstances which delayed the arming of a Virginia regiment under Colonel George Minor, consisting of six hundred infantry and one hundred horse, who arrived in the City of Washington late on the evening of the 23d. Colonel Minor called on the Secretary of War, after early candle-light, for orders. Colonel Carbery had been charged with supplying the various corps with arms, ammunition, &c. Colonel Minor was directed to report himself to Colonel Carbery early next morning, who would furnish him. Colonel Minor was in pursuit of Colonel Carbery from very early in the morning until very late in the forenoon, without finding him, and, after obtaining an order from General Winder, marched his regiment to Greenleaf's Point to the arsenal and magazine, where he again met with difficulties as before stated, which delayed his march and prevented him from being in the action. Having made this recapitulation of facts, the military question is presented for consideration; and having furnished the most ample means to the House to form correct opinions on this part of the inquiry, and as most of the communications from military characters enter more or less into this military view, the committee take it for granted that they have discharged their duty by the view they have taken, and submit this question to the consideration of the House.

*Capture of the City of Washington.**The Navy Department.*

As it regards the part taken by the Secretary of the Navy, including the destruction of the Navy Yard, &c., the solicitude of the President, in anticipation of the probable designs of the enemy against this city and the adjacent country, induced the Secretary of the Navy to cause three twelve pounders to be mounted on field carriages, and completely furnished for field service, in the month of May last, and the marines trained to act as infantry or artillery. Previous to the reinforcement of the enemy in the Patuxent, he caused to be mounted two long eighteen pounders on field carriages, and prepared for field service, to be given to Commodore Barney, in case of emergency, to co-operate with the land forces; and Commodore Barney was instructed to prepare for this eventual service in case he had to abandon his flotilla. On the 18th of August the Secretary received the first intelligence of the reinforcement of the enemy; the day on which they landed at Benedict. Commodore Barney was ordered to destroy his flotilla whenever it appeared certain that it would otherwise be captured, and to unite and co-operate with the forces under command of General Winder. Letters were despatched to Commodore Rodgers and Captain Porter, with orders to repair with their forces to the City of Washington with the utmost expedition. With every exertion, Commodore Rodgers was unable to reach the city by the 24th. The enemy entered our waters on the 16th; it was known in this city on the 18th; marched from Benedict on the 20th; and entered this city on the 24th; and left it precipitately on the evening of the 25th. The Secretary of the Navy called on General Winder on the 20th; pointed out the volunteer mechanics of the Navy Yard, then in his army, who were good axe-men, and would act with effect as pioneers. It was understood that a large squadron of the enemy's fleet had passed the principal obstacle in the navigation of the Potomac, and was ascending to co-operate with their land forces. The Secretary of the Navy expressed solicitude for Fort Washington, and proposed to throw into that fort the marines and part of the seamen for its defence: the Commanding General did not think it expedient to lessen his force by the abstraction of a part so efficient as the marines and seamen.

The Secretary of the Navy visited the Navy Yard on the 21st; inquired the means of transportation and the assistance left in the yard. The mechanics of the yard had been with the army from the first alarm: four officers and a few of the ordinary, chiefly blacks, remained: two of the old gunboats, the only craft for transportation. The wagons of this district had been pressed for the army; and the blacks usually in the market for hire, were employed at the works at Bladensburg. Orders were given for every means of transportation to be used. The public vessels afloat were, the new sloop of war *Argus*, the new schooner *Lynx*, three barges, and two gunboats. On the slip, the frigate *Columbia*, of the largest class, nearly ready for launching; her equipments

generally made and ready, or in great forwardness. Besides the buildings, engines, fixtures, shop furniture, of the several mechanical branches in the Navy Yard, there were about one hundred tons of cordage, some canvass, considerable quantity of saltpetre, copper, iron, lead, block tin, naval and military stores, implements, and fixed ammunition, with a variety of manufactured articles in all the branches; seventeen hundred and forty-three barrels of beef and pork, two hundred and seventy nine barrels of whiskey, some plank and timber.

The Secretary states that he had no means left to transport the sloop *Argus*, nor place of safety, in his opinion, if the enemy took possession of the city. He ordered the barges to the Little Falls. On the morning of the 24th the Secretary visited the headquarters of General Winder, near the Eastern Branch bridge. The President and some of the Heads of Departments were present. The Secretary of the Navy presented to the President the consideration of the Navy Yard, in the presence of the Secretaries of War and Treasury. The public vessels and public property were described; the importance of the supplies and shipping to the enemy; and no doubt seemed to be entertained of the union of the squadron and the land forces, should the enemy succeed in the capture of the City of Washington, General Winder having distinctly stated that morning that Fort Washington could not be defended. In this event, nothing could be more clear than the plunder and destruction of the public buildings and property of the Navy Yard; and whether a junction was formed, or the land forces alone took the city, the loss of the Navy Yard and public property was certain. Upon this representation, the Secretary of the Navy, in his report, says, it was distinctly understood, as the result of the conversation, that the public shipping, naval and military stores and provisions at the Navy Yard, should be destroyed in the event of the enemy's obtaining possession of the city. It appears that the articles to be destroyed were in store, and could not be separated from those establishments which might have been left; one of the barges was sent to Alexandria, and remained there until taken by the enemy; one gunboat, with salt provisions, has been recovered, the other was laden with provisions and gunpowder, but run aground, and was plundered by the inhabitants about the Navy Yard. The powder and part of the provisions have been recovered. The new schooner *Lynx* escaped the flames, and remains without much injury. The metallic articles are chiefly all saved, and the timber in dock, and that which is partially consumed, will be useful. The machinery of the steam engine is not much injured; the boiler is perfect. The buildings, with the exception of the house of the commandant, the lieutenant of the guards, the guard houses, the gateway, and one other building, are all destroyed; the walls of some appear entire. The monument to perpetuate the memory of the naval heroes who fell in the attack upon Tripoli, is a little defaced. The issuing store of the yard and

Capture of the City of Washington.

its contents, which escaped the original conflagration, were destroyed by the enemy on the 25th.

The following estimate of the public property and buildings is the most accurate that the committee have been able to obtain, and, which to them is as satisfactory and as accurate as the nature of the inquiry would admit, viz:

The Capitol, from its foundation to its destruction, including original cost, alterations, repairs, &c.	\$787,163 28
The President's house, including all costs,	334,334 00
Public offices, Treasury, State, War, and Navy	93,613 82
	<u>\$1,215,111 10</u>

The buildings have been examined by order of a committee of the Senate. The walls of the Capitol and President's house are good, and require repairs only. The walls of the public

offices are not sufficient. It is supposed that the sum of four hundred and sixty thousand dollars will be sufficient to place the buildings in the situation they were in previous to their destruction - - - \$460,000 00

Loss sustained at the Navy Yard—	
In moveable property - - -	417,745 51
In buildings and fixtures - - -	91,425 53
	<u>\$969,171 04</u>

To this sum must be added the Library, estimated at - - -

An estimate of the expense of rebuilding, in a plain and substantial manner, the Navy Yard, so as to carry on all the public works with as much advantage and convenience as previous to its destruction - - -	<u>\$62,370 00</u>
--	--------------------

RECAPITULATION.

Nos.	Public Property.	Original Value.	Value Recovered.	Real Loss.
1	Frigate Columbia - - - - -	\$116,123 05	\$10,432 00	\$105,691 05
2	Sloop of war Argus - - - - -	75,000 00	10,186 55	64,813 45
3	One large rowgalley - - - - -	4,500 00	1,477 47	3,022 53
4	Two small do. - - - - -	6,000 00	722 80	5,277 20
5	One armed scow - - - - -	1,610 54	956 09	654 45
6	One do. - - - - -	1,096 29	586 67	509 60
7	Gunboats, rowboats, &c. - - - - -	6,553 34	5,773 34	780 00
8	Boatbuilder's shop - - - - -	2,962 98	-	2,962 98
9	Blacksmith's and plumber's shop - - - - -	4,532 80	1,996 50	2,563 30
10	Cooper's shop - - - - -	7,689 75	2,854 04	4,835 71
11	Gun carriage shop, &c. - - - - -	525 00	-	525 00
12	Painter's shop - - - - -	869 97	15 00	854 97
13	Blockmaker's shop - - - - -	1,610 00	-	1,610 00
14	Medical store - - - - -	2,679 84	-	2,679 84
15	Ordnance store, &c. - - - - -	18,769 90	-	18,769 90
16	Naval stores, cordage, &c. - - - - -	78,262 25	-	78,262 25
17	Copper, iron, lead, &c. - - - - -	49,965 27	42,522 40	7,442 87
18	Navy storekeeper's stores - - - - -	20,431 77	2,921 89	17,509 88
19	Ordnance, small arms - - - - -	173,284 97	162,926 22	10,358 75
20	Provisions and contingencies - - - - -	46,962 04	4,071 44	42,890 60
21	Timber, plank, knees, &c. - - - - -	45,000 00	-	45,000 00
22	Timber, plank, knees, &c. - - - - -	12,400 94	12,400 94	-
23	Anchors - - - - -	1,380 13	648 85	731 18
	Miscellaneous articles - - - - -			
		<u>\$678,210 71</u>	<u>\$260,465 20</u>	<u>\$417,745 51</u>

Capture of Alexandria.

In relation to the conduct of the corporation of Alexandria, and its capture by the enemy in his recent enterprise, the committee have been furnished with various documents and information, and to which the committee refer; but, in justice to the town and to the public, a brief retrospect may not be deemed improper, as connecting certain events with the surrender of the town, on the 29th of August. October, 1812, a volunteer company was raised in Alexandria, amounting to about seventy, including officers, clothed by

voluntary aid and donation from the citizens of Alexandria, intended for the lines, but stationed at Fort Washington; remained in garrison till December; ordered to Annapolis, and there discharged. March, 1813, Captain Marsteller's company of artillery, stationed at Fort Washington for upwards of three months. 21st of March, 1813, corporation, by committee, called on the Secretary of War for arms, &c., for the defence of Alexandria. 8th of May, corporation, by committee, waited upon the President to apprise him of the defenceless state of the town. President

Capture of the City of Washington.

acknowledged that attention was due to the representations of respectable men, and the proper attention should be given; and, at the same time, apprized the committee of the impossibility, in the nature of things, to give complete protection to every assailable point of the country. 11th of May, committee of vigilance appointed to co-operate with the committees of Georgetown and City of Washington: a deputation from the three committees waited upon General Armstrong, and represented the necessity of additional fortifications at Fort Washington. Colonel Wadsworth was ordered to attend the committee, examine, and report upon their suggestions. The examination was made, and Colonel Wadsworth reported that the battery at Fort Washington was in such a state, and it so effectually commanded the channel of the Potomac, that it was not to be apprehended that the enemy would attempt to pass it while its present defences remained entire. Its elevated situation should prevent dread of a cannonading from ships; that, in case of designs against the District of Columbia, an assault by land was most probable. To guard against this, some inconsiderable work on the land was recommended; an additional fort, in the same neighborhood, was considered unnecessary. On the 5th and 13th of August, 1814, the corporation loaned to the United States thirty-five thousand dollars, upon condition that it should be expended south of Alexandria. After the defeat of General Winder, at Bladensburg, the corporation, by committee, waited upon the British commander, at this city, to know what treatment was to be expected, provided Alexandria should fall into his hands. Admiral Cockburn assured the deputation that private property would be respected; that probably some fresh provisions and flour might be wanted, but they should be paid for. Without firing a gun, on the 27th, Fort Washington was blown up and abandoned by the commanding officer, Captain Dyson, who has been dismissed from the service of the United States, by the sentence of a court martial, in consequence of it.

On the 28th, after the enemy's squadron passed the fort, the corporation, by deputation, proceeded to the ship commanded by Captain Gordon, and requested to know his intentions in regard to Alexandria; which he proposed to communicate when he should come opposite the town, but promised that the persons, houses, and furniture, of the citizens, should be unmolested, if he met with no opposition. Next day, the 29th, the British squadron was drawn up in line of battle so as to command the whole town. There were two frigates, the *Seahorse*, thirty-eight guns, and *Euryalus*, thirty-six guns, two rocket ships of eighteen guns each, two bomb ships of eight guns each, and a schooner of two guns, arranged along the town. The committee will not attempt to condense the correspondence and terms of surrender, but refer to it as a part of the report. One hour was allowed the corporation to decide. It was stated to the British officer that the Common Council had no power to compel the return of

merchandise carried to the country, nor to compel the citizens to aid in raising the sunken vessels: these two points were yielded by the enemy. The enemy was requested to explain what was included in the term merchandise, which was to be taken; and, in answer, it was stated that it would embrace such as was intended for exportation, such as tobacco, cotton, flour, bale goods, &c. The plunder of the enemy was indiscriminate, and not confined to any particular class of individuals, and included alike non-residents and inhabitants. The plunder of the enemy was confined principally to flour, cotton, and tobacco.

Estimate of the loss.—Three ships, three brigs, several bay and river craft, some vessels burned, sixteen thousand barrels of flour taken, one thousand hogsheads of tobacco, one hundred and fifty bales of cotton, five thousand dollars' worth of wines, sugar, &c. In relation to a letter written by Admiral Codrington to Captain Gordon, the committee will refer to the entire letter of General John Mason, who gives a satisfactory history of this transaction; and, to complete this part of the subject, reference is had to the statement of General Hungerford, giving the movements of his troops, and explains the interviews he had with the deputation from Alexandria, on his march to the City of Washington.

Conclusion.

In the inquiry into the causes of the success of the enemy, in his recent enterprises against this metropolis, the neighboring town of Alexandria, &c., the committee consulted a mode of investigation least embarrassing to themselves and to others. They determined that, as it was indispensable to resort to some of the parties for information not derivable from other sources, it would be equally their duty to hear, as far as practicable, those who were deeply concerned as to character and reputation, from the agency they had in this unfortunate transaction, with a determination that, in the event of any contradictions in material circumstances, to resort to impartial sources for explanation or correction. In the meantime, the committee called upon those who may be considered as impartial observers, for statements, that a just comparison might be made of different allegations and representations. If, therefore, the committee have failed to call upon persons in possession of any additional facts and views not submitted, it has not been through a want of inclination to receive all that could be important, but from a want of a knowledge of such persons and such facts. It was a question with the committee, at its earliest meeting, whether personal examinations before the committee should be adopted, or whether resort should be had, in the first instance, to call for written communications to views and interrogatories submitted by the committee, and best calculated to extract every important fact. Several considerations induced the adoption of the latter mode.

It gave the committee command of part of their time to attend to other public duties equally imperative and obligatory. It incurred no expense

Capture of the City of Washington.

to Government or individuals, who were not interrupted in either their private concerns or public duties. The committee knew the anxiety of the House to have this inquiry closed as soon as possible, and which, by a different course, would have taken up the whole of the session, and encumbered with more useless and irrelevant matter and views than will be found in the communications. The committee feel therefore confident, that the House will be satisfied with the manner in which the subject has been developed; and to correct any possible error, and to receive any important fact or additional matter, although it is not very probable that much can remain, the committee will ask leave to report, with a reservation of a right to make any other communication that may be found necessary to an impartial examination of this subject.

APPENDIX.

In addition to the report of the committee, in order to give a more satisfactory view and detail upon the main subjects of inquiry, and a variety of incidental matter which has arisen from the investigation, the following communications are referred to as an appendix:

1. In relation to the measures adopted by Administration, and the part taken by the President and the Heads of Departments, the committee refer to the letters from the Secretaries of State, War, Navy, and the Attorney General: one is also expected from the Secretary of the Treasury, which shall be communicated when received.

2. In relation to the steps taken and measures adopted by the Secretary of War, the committee refer to the correspondence with the Commanding General, the Governors of Pennsylvania, Maryland, and Virginia, the letters of Colonel Tayloe, two reports from the ordnance office, as to arms, military stores, &c.

3. The conduct of the Commanding General, the collection and dispositions of the forces, and the conduct and movements of different corps, the committee refer to the narrative of General Winder, his correspondence with the States of Pennsylvania, Maryland, and Virginia, the War Department, and various officers, the reports of General Smith, General Young, General Stansbury, Colonel Sterret, Major William Pinkney, General Douglas, Colonel Minor, Colonel Beall, and Commodore Barney's official letter.

4. In relation to the measures and arrangements and acts of the Navy Department, including the destruction of the Navy Yard and the public property, as well as the destruction of the

public buildings in the city, the committee refer to a report from the Secretary of the Navy, a report from Commodore Tingey, and a report from Mr. Munroe, Superintendent of the Public Buildings.

5. In relation to the capture and capitulation of Alexandria, the committee refer to the proceedings of the court martial upon Captain Dyson, the correspondence between him and the Secretary of War, as to the abandonment of the fort, the report of the corporation of Alexandria, including the terms of surrender, &c., and the letter from General Mason, relating to a letter from Admiral Codrington.

6. In relation to general information and incidental topics, the committee refer to Mr. Law, General Van Ness, and Doctor Catlett.

A LIST OF THE DOCUMENTS.

1. A report of the Army, its strength and distribution, previous to the first of July, 1814.

2. Letter of Colonel Monroe, then Secretary of State.

3. Letter of General Armstrong, late Secretary of War.

4. Letter from the honorable William Jones, Secretary of the Navy.

5. Letters from the honorable Richard Rush, Attorney General.

6. Communication from the War Department, including the orders in relation to the tenth military district, the requisition of the fourth of July, and the correspondence with the Governors of Pennsylvania, Virginia, and Maryland, and with General Winder.

7. The narrative of General Winder.

8. Reports of Generals Stansbury, Douglas, Smith, Young, and Hungerford; Colonels Sterret, Minor, Tayloe, Lavall, and Beall; Major Pinkney, and Captains Burch and Caldwell.

9. Report from the Navy Department, including the official report of Commodore Barney.

10. Letters from General Van Ness, Doctor Catlett, and John Law, Esq.

11. Reports from the Ordnance Department.

12. Sentence of the court martial in relation to Captain Dyson, and the correspondence between him and the Secretary of War.

13. Report from the corporation of Alexandria, including the capitulation, and letter from General John Mason.

14. Report from the Superintendent of the Public Buildings.

15. William Simmons's letter.

Capture of the City of Washington.

No. 1.

A Report of the Army, its strength and distribution, previous to the 1st of July, 1814.

DISTRICTS.	Effectives.	Aggregate.	STATION.
<i>District No. 1.</i>			
40th Regiment Infantry - - -	352	379	Boston, Portsmouth, Portland, and Eastport.
Artillerists - - - - -	363	276	
Total - - - - -	615	655	
<i>District No. 2.</i>			
Artillerists - - - - -	127	149	New London. Ditto.
37th Regiment Infantry - - -	490	565	
Total - - - - -	617	714	
<i>District No. 3.</i>			
Artillerists - - - - -	378	370	} New York.
32d Regiment Infantry - - -	335	602	
41st do. - - - - -	628	692	
42d do. - - - - -	331	374	
Sea Fencibles - - - - -	77	78	
Total - - - - -	1,849	2,116	
<i>District No. 4.</i>			
Artillerists - - - - -	108	108	Fort Mifflin, recruiting rendezvous.
Dragoons - - - - -	200	200	
Total - - - - -	308	308	
<i>District No. 5.</i>			
Artillerists - - - - -	210	224	} Norfolk.
20th Regiment Infantry - - -	873	912	
35th do. - - - - -			
38th do. 1st bat. - - - - -	65	111	} Baltimore. Annapolis. Fort Washington. St. Mary's.
Artillerists - - - - -			
38th Regiment, 2d battalion - -	300	316	
Sea Fencibles - - - - -	167	173	
Artillerists - - - - -	40	40	
Do. - - - - -	79	82	
36th Regiment Infantry - - -	320	350	
Total - - - - -	2,154	2,208	
<i>District No. 6.</i>			
Dragoons - - - - -	135	141	} North and South Carolina and Georgia.
Artillerists - - - - -	413	430	
8th Regiment Infantry - - -	688	728	
18th do. - - - - -	443	482	
43d do. - - - - -	261	269	
1st Rifle Regiment, 1st Company -	87	92	
Sea Fencibles - - - - -	100	102	
Total - - - - -	2,127	2,244	
<i>District No. 7.</i>			
Artillerists - - - - -	339	351	} New Orleans, Mobile, and the Creek nation.
2d Regiment Infantry - - -	408	422	
3d do. - - - - -	400	420	
7th do. - - - - -	670	694	

Capture of the City of Washington.

No. 1—Continued.

DISTRICTS.	Effectives.	Aggregate.	STATION.
<i>District No. 7—continued.</i>			
39th Regiment Infantry - - -	370	394	} New Orleans, Mobile, and the Creek nation.
44th do. - - -	89	97	
Total - - -	2,276	2,378	
<i>District No. 8.</i>			
Artillerists - - -	142	179	} Detroit, Sandwich, Sandusky, &c.
17th Infantry - - -	1,591	762	
19th do. - - -			
24th do. - - -			
28th do. - - -			
Rangers - - -	317	423	
Do. - - -	71	108	
Total - - -	2,121	2,472	
<i>District No. 9.</i>			
Light Artillery - - -	458	610	} 1st, or division of the right.
Dragoons - - -	97	102	
Artillerists - - -	181	195	
4th Regiment Infantry - - -	655	751	
5th do. - - -	275	407	
6th do. - - -	250	518	
10th do. - - -	254	327	
12th do. - - -	482	752	
13th do. - - -	194	381	
14th do. - - -	137	262	
15th do. - - -	317	549	
16th do. - - -	299	434	
29th* do. - - -	364	515	
39th* do. - - -	274	354	
31st* do. - - -	90	99	
32d* do. - - -	165	236	
34th* do. - - -	183	240	
1st Rifle Regiment, 2d battalion -	223	276	
Total - - -	4,908	7,108	
The recruits of the above regiments, the 48th Infantry, three hundred dragoons, and two hundred and sixty-four light artillerists, under orders to join this division, will amount to - - -			
	4,687	4,687	
Total - - -	9,595	11,795	
Light Artillery - - -	60	66	} Buffalo, Oswego, and Sackett's Harbor.
Dragoons, (troops mounted) - - -	443	557	
Artillerists - - -	624	687	
9th Regiment Infantry - - -	227	501	
11th do. - - -	492	628	
21st do. - - -	458	664	
25th do. - - -	392	606	
1st Rifle Regiment, 1st battalion -	345	345	
Total - - -	3,041	4,074	

* Year's men re-enlisting.

Capture of the City of Washington.

No. 1—Continued.

DISTRICT.	Effectives.	Aggregate.	STATION.
Under orders to join this division :			
Artillerists - - - -	248	248	
1st Regiment Infantry - - -	200	214	
22d do. - - - -	359	517	
23d do. - - - -	600	650	
The recruits of the 1st, 9th, 11th, 21st, and 25th, under orders to join, amount to - - - -	910	910	
Total - - - -	5,348	6,613	

ABSTRACTS OF TOTALS.

Districts.	Effectives.	Aggregate.
District No. 1 - - - -	615	655
District No. 2 - - - -	617	714
District No. 3 - - - -	1,849	2,116
District No. 4 - - - -	308	308
District No. 5 - - - -	2,154	2,208
District No. 6 - - - -	2,127	2,244
District No. 7 - - - -	2,276	2,378
District No. 8 - - - -	2,121	2,472
District No. 9 - - - -	9,595	11,795
Miscellaneous - - - -	5,348	6,613
	27,010	31,503

No. 2.

Letters of Colonel Monroe, then Secretary of State.

WASHINGTON CITY, Nov. 13, 1814.

The events in France having greatly augmented the disposable force of the enemy, and his disposition to employ it against the United States being well known, the safety of this Metropolis was thought to require particular attention.

On or about the first of July last, the President convened the Heads of Departments and the Attorney General, to consult them on the measures which it would be proper to adopt for the safety of this city and District. He appeared to have digested a plan of the force to be called immediately into the field; the additional force to be kept under orders to march at a moment's notice; its composition, and necessary equipment. It seemed to be his object, that some position should be taken between the Eastern Branch and the Patuxent, with two or three thousand men, and that an additional force of ten or twelve thousand, including the militia of the District, should be held in readiness, in the neighboring States, to

march when called on. The whole force to be put under the command of an officer of the regular Army.

The measures suggested by the President were approved by all the members of the Administration. The Secretaries of War and Navy gave the information required of them, incident to their respective departments. The former stated the regular force which he could draw together at an early day, infantry and cavalry; the amount of the militia of the District; and the States from which he should draw the remaining force in contemplation, and in what proportions. The latter stated the aid which he could afford, from the officers and seamen of the flotilla on the Patuxent, and the marines at the navy yard, on the Eastern Branch. The result of the meeting promised prompt and efficacious measures for carrying these objects into execution. The command of this whole force, with that of the district No. 5, was given to Brigadier General Winder.

On the 5th of July I went to Virginia, whence I returned on or about the 25th. After my return, I was much engaged in the affairs of my own department.

Calling on the President on the morning of the

Capture of the City of Washington.

18th of August, he informed me that the enemy had entered the Patuxent in considerable force, and were landing at Benedict. I remarked that this city was their object. He concurred in the opinion. I offered to proceed immediately to Benedict, with a troop of horse, to observe their force, report it, with my opinion of their objects, and, should they advance on this city, to retire before them, communicating regularly their movements to the Government. This proposal was acceded to. Captain Thornton, of Alexandria, was ordered to accompany me, with a detachment of twenty-five or thirty of the dragoons of the District. I set out at about 1 P. M. on the 19th, and arrived at 10 next morning in sight of the enemy's squadron, lying before Benedict, and continued to be a spectator of their movements until after the action at Bladensburg on the 24th.

The annexed notes contain information which I communicated to the Government, of the force and designs of the enemy.

In retiring from Nottingham, late in the evening of the 21st, after writing a note to the President, I observed a column of the enemy in the rear of the town, which I concluded had passed from Benedict by a road near the river, moving in concert with the barges. The number I could not ascertain, having seen its head only. I went immediately to Mr. Oden's, where I met Colonel Beall, whom I had before seen at Nottingham. He had taken a view of the enemy's column from a commanding height contiguous to the town. From his statement we both concluded that it must have amounted to between four and five thousand men. The force in the barges was supposed to exceed one thousand; so that the whole force of the enemy might be estimated at about six thousand. Hearing that General Winder was at the Woodyard, I hastened to him. He had there about two thousand two hundred men, consisting of the marines, Colonel Lavall's cavalry, and the city and Georgetown militia. I understood that he either then gave orders, or repeated those he had before given, to a part of the militia at Baltimore, and to Colonel Beall, who commanded six or seven hundred at Annapolis, to move towards Bladensburg to his support.

On the morning of the 22d, General Winder put his force in motion from the Woodyard towards Nottingham. At 5, Lavall's cavalry met the enemy a mile in advance of Mr. Oden's. They were in full march, as was inferred, for Washington, with intention to attack General Winder. Our cavalry retired before the enemy, and General Winder, after reconnoitering his force as well as the nature of the ground would admit, retired the head of his column towards the Woodyard, with intention to concentrate his force and form it in line. It was soon perceived that the enemy had taken a road to his right, in a direction to Upper Marlborough, at which place they arrived about 2 P. M. on that day. General Winder retired by the Woodyard to a place called the Old Fields, which covered equally Bladensburg, the bridges on the Eastern Branch, and Fort Washington. Commodore Barney joined

him there with the flotilla men, amounting to about five hundred.

Late on the evening of the 22d, the President, with the Secretaries of War, Navy, and Attorney General, joined General Winder at the Old Fields, and remained with him until the afternoon of the 23d.

After mid-day on the 23d, General Winder detached Major Peter with some field pieces, and Captains Davidson and Stull's companies, to skirmish with the enemy near Marlborough, who advanced on him, and took a position near the camp at the Old Fields, menacing it with attack, either that night or early the next morning. General Winder retired, and passed the Eastern Branch into the city that night. Colonel Tilghman, with his cavalry, remained on the road between Marlborough and Bladensburg.

General Stansbury, with a part of his brigade, arrived at Bladensburg on the evening of the 22d, and the remainder arrived there on the evening of the 23d. This brigade amounted to between two thousand two hundred and two thousand three hundred men.

In the afternoon of the 23d, the President, with the Secretaries of War and Navy, returned to Washington. The Attorney General, and several respectable friends from the city, proceeded with me to the road leading from Marlborough to Bladensburg. Late that evening, I heard of the advance of the enemy on the party under Major Peter, and against General Winder.

Not knowing the result, I hastened to General Stansbury's quarters at Bladensburg, and found him encamped on the height beyond the village on the road leading to Marlborough. He had just heard of the enemy's movement, but was likewise unacquainted with the result. I had the pleasure to meet there Colonel Sterret and Major Pinkney. I advised the General to fall forthwith on the enemy's rear, although it was then 12 o'clock at night. He observed, that he had been ordered to take post at Bladensburg, and did not think himself at liberty to leave it; but, had it been otherwise, as a considerable portion of his force had just arrived, after a very fatiguing march, that it would not be in his power to march that night. I proceeded to the city, where I heard that General Winder had crossed the Eastern Branch, and taken post near the Navy Yard.

In the morning of the 24th, I met the President at General Winder's quarters. Among other rumors of the enemy's movements, the General had just heard that he was marching towards Bladensburg. I asked if General Stansbury was apprized of it. He presumed that he was. I offered to join him. The President and General Winder both expressed a wish that I would. I lost not a moment in complying with their desire. Between 11 and 12 I joined General Stansbury, who had moved his brigade on this side of the Eastern Branch, near the bridge. I inquired where were the enemy? He replied, advancing, not more than three miles distant. I advised the General to form his troops to receive them, which he immediately commenced. The order of battle

Capture of the City of Washington.

was formed on the presumption that his brigade would alone have to meet the enemy in the first instance. Major Pinkney, with a battalion of riflemen, was placed to the right of the battery to support it; another corps was placed on the left, for the same purpose, and the fifth Baltimore regiment in the rear. On forming the line on the brow of the hill, and extending the right to cover the road leading to Washington, it was found that the left would be much exposed, as it scarcely extended to the rear of the battery. If the battery should be forced, which seemed probable, the enemy's column would turn our left, and, ascending the heights and commanding the most advantageous grounds, force us towards the city. This induced, at a late period, the removal of the fifth Baltimore regiment from the rear of the battery to the left of the line, a measure taken with reluctance, and in haste. Colonel Beall's corps had entered Bladensburg from another route, and was at that moment approaching the bridge. Captain Thornton was sent to lead it to the height to the right of the road, which commanded the whole of the ground held by General Stansbury's brigade. It was deemed important to occupy that height to protect the line to the left, and likewise to impede the enemy's movement by the road towards the city. The cavalry were placed to the left, somewhat in the rear of the line. After General Stansbury had made this disposition, Mr. Walter Jones, junior, set out, at my request, for the city, to communicate it to the President, the Secretary of War, and General Winder, with the near approach of the enemy.

Immediately after this General Winder arrived, and informed us that his whole force was in full march to Bladensburg. On taking a view of the order which had been formed, he approved of it. This was the more satisfactory, because it had then become impossible to make any essential change. The General proceeded promptly, for the enemy were getting in sight, to make a disposition of such of his troops as had arrived. He placed one corps near the battery, to support it, and some pieces of artillery on the left of General Stansbury's line. We then passed to the right along the line. Near the road, leading from Bladensburg to Washington, we met the Secretary of War, and immediately afterwards, at the road, I met the President and Mr. Rush, who had just arrived, and who, joining with me, the Secretary of War, and General Winder, proceeded together towards the left of the line. Mr. Rush informed me that the President intended, when every arrangement should be completed, to take a position with the members of the Administration in the rear of the line, that, looking to all the functions of the Government, he might be able to act with their counsel according to circumstances. Shortly afterwards the President gave me the same intimation. The action may be said to have commenced, when we had arrived in the rear of the battery near the bridge. The enemy had saluted us with rockets, and, attempting to pass the bridge, our little batteries had begun to play on them. After some pause, the President remarked to the

Secretary of War and myself, that it would now be proper for us to retire in the rear, leaving the military movement to military men, which we did. The Attorney General followed us. After our little batteries were carried, and the left of our line broken, the President, with the members of the Administration present, retired along the eminence on which the left of the line had been formed, viewing the progress of the action to the right. On, or near the summit of this ground, I separated from the President, and the other gentlemen of the Administration with him; they continuing to move slowly towards the city, I remaining to view the enemy's progress. At this moment I fell in again with Mr. W. Jones, jun., who had been charged, as already mentioned, after the line was formed, with a communication to the President, the Secretary of War, and to General Winder. Hearing on the road that the General had passed him, he had immediately returned, and delivered to him the message in my presence, and afterwards remained with the Baltimore troops during the action. Inclining to the left, we hastened to the Capitol, where we met the Secretary of War and General Winder. The General consulted the Secretary of War and me, on the propriety of making an attempt to rally the troops on the Capitol Hill. We both advised him to rally and form them on the heights above Georgetown, believing, as I did, that much would be hazarded by an attempt near the Capitol. I knew that a column of the enemy had advanced from the high ground which had been held by our troops, and meeting, as they would, with no opposition, might take possession of the heights above the city, and thus force our troops, in case of a new disaster, to the plain between the Capitol, the Eastern Branch, and the Potomac; whereas, by occupying the heights above Georgetown, the enemy must either attack us to disadvantage, or, entering the city, expose his right flank and rear to an attack from us.

JAMES MONROE.

Copy of a letter from James Monroe to the President of the United States, dated

AQUASCO MILLS, 7 miles from Benedict,
Aug. 20, 1814, 1 o'clock, P. M.

DEAR SIR: I arrived here this morning at eight o'clock, and have been since within four miles of Benedict, at Butler's mill, where it was reported the enemy, on their march, had arrived. The report was unfounded. The enemy landed yesterday at Benedict, and had advanced their pickets within a mile and a half of that mill, for security. From a height between that mill and the Patuxent, I had a view of their shipping; but, being at the distance of three miles, and having no glass, we could not count them. We shall take better views in the course of the evening, and should anything be seen material, I will immediately advise you of it. The general idea is, that they are still debarking their troops, the number of which I have not obtained any satisfactory information of. The general idea also is, that

Capture of the City of Washington.

Washington is their object ; but of this I can form no opinion at this time. The best security against this attempt is an adequate preparation to repel it.

Respectfully, your friend and servant,

JAMES MONROE.

Copy of a letter from James Monroe to the President of the United States, dated

HORSE HEAD, August 21, 1814.

DEAR SIR: I quartered last night near Charlotte Hall, and took a view this morning, at eight o'clock, from a commanding height below Benedict creek, of all the enemy's shipping near the town and down the river, to the distance at least of eight or ten miles. I counted twenty-three square-rigged vessels ; few others were to be seen, and very few barges. I inferred, from the latter circumstance, that the enemy had moved up the river, either against Commodore Barney's flotilla at Nottingham, confining their views to that object, or taking that in their way, and aiming at the city, in combination with the force on the Potomac, of which I have no correct information. I had, when I left Aquasco mills last night, intended to have passed over to the Potomac, after giving you an account of their vessels from the height below Benedict ; but, observing the very tranquil scene which I have mentioned, I was led, by the inference I drew from it, to hasten back to take a view of the enemy's movements in this quarter, which it might be more important for the Government to be made acquainted with. I am now on the main road from Washington to Benedict, twelve miles from the latter, and find that no troops have passed in this direction. The reports make it probable that a force by land and water has been sent against the flotilla. I shall proceed with Captain Thornton's troop immediately to Nottingham, and write thence whatever may be deserving of notice.

The enemy have plundered the country, to the distance of three or four miles, of all their stock, &c.

The intelligence of the enemy's force in the Potomac varies here as much as in Washington. I have no means of forming a correct estimate of it.

JAMES MONROE.

Copy of a letter from James Monroe to Brigadier General Winder, dated

NOTTINGHAM, August 21, 1814.

SIR: The enemy are now within four hundred yards of the shore. There are but three barges at hand, and the force in view is not considerable. If you send five or six hundred men, if you could not save the town, you may perhaps cut off their retreat or rear.

JAMES MONROE.

P. S. Ten or twelve more barges in view. There are but two muskets in town, and a few scattering militia.

Five o'clock. Thirty or forty barges in view.
J. M.

Copy of a letter from James Monroe to the President of the United States.

The enemy are advanced six miles on the road to the Woodyard, and our troops retiring. Our troops were on the march to meet them, but in too small a body to engage. General Winder proposes to retire till he can collect them in a body. The enemy are in full march for Washington. Have the materials prepared to destroy the bridges.

J. MONROE.

Monday, nine o'clock. You had better remove the records.

No. 3.

Letter of General Armstrong, late Secretary of War.

LABERGEORIE, October 17, 1814.

SIR: An occasional absence from the place of my usual residence prevented me from receiving the letter you did me the honor to write to me on the third instant, until this morning. I now hasten to fulfil the injunctions of the committee, in giving to them "such information, views, and remarks, as are deemed pertinent to the subject of their inquiry, and best calculated for an impartial investigation of the causes of the success of the enemy in his recent enterprise against the Metropolis, and the neighboring town of Alexandria."

"Of the manner in which the public buildings, and other property, were destroyed, and of the amount thereof," I know nothing personally, nor have I recourse to any documents which would enable me to make a satisfactory communication on these points.

The enemy's success in his late enterprise against the City of Washington, &c., must necessarily be traced to one of two causes: the incompetency of the means projected and employed to repel his attack, or, the mismanagement or misconduct of these.

Under the first head may be noticed, What was the force contemplated and ordered by the Government as competent? What was that actually assembled and employed? And what other, or additional means were at the disposal of the Government?

The second head would furnish an inquiry strictly military, viz: Whether all was done, that was necessary and practicable, by the Commanding General and the troops under his direction? For such an inquiry I am not prepared, and what, under either head, I may be able to offer, will but be a detail of facts coming within my official cognizance, without any admixture of opinions.

Early in the month of June last, a call was made on the War Department for a general report of the numbers of regular troops and militia employed by the United States, and the distribution which had been made of these for the service of the present campaign. This statement was promptly rendered, and submitted by the President to the Heads of Departments. It is not recollected that any alteration of the provisions exhibited by this document was either made or sug-

Capture of the City of Washington.

gested. A reference to it will show what was the force then deemed competent for the defence of military district No. 5, of which the City of Washington made part.*

The better to secure the Seat of Government, &c., from the attacks of the enemy, and to relieve the War Department from details, not making part of its regular duties, and incident to district No. 5, as then constituted, a military district, comprehending that portion of country lying between the Rappahannock and Potomac rivers, the District of Columbia, and the State of Maryland, was created on the 2d July last, and placed under the command of Brigadier General Winder, who had been specially assigned by the President to that service.

In an interview with this officer, soon after his appointment, his attention was invited to the state of the existing defences within the limits of his command; to an examination of the different routes by which the enemy might approach the capital; to the selection of points best calculated to retard and to stop his movements, if directed thereto; and to the indication of such new defences, field or permanent, as he might deem necessary or practicable. The better to enable him to discharge these and other duties, a military staff, composed of an Assistant Adjutant General, an Assistant Inspector General, and two Assistant Topographical Engineers, were assigned to the district.

On the 1st July a consultation of the Heads of Departments was had. The questions proposed for discussion were two:

1. By what means can the Seat of Government and Baltimore be defended, in case the enemy should make these cities objects of attack?

2. Should he select the former, will his approach be made by way of the Potomac, or by that of the Patuxent?

On these questions, I took the liberty of offering the following statements and opinions:

1. That the principal defence to be relied upon, for either place, was militia; that, besides the artillerists composing the garrisons of Forts McHenry and Washington, about one thousand regular troops only could be collected, viz: the thirty-sixth regiment, one battalion of the thirty-eighth, two troops of dragoons, two companies of the tenth, ordered from North Carolina, and believed to be on their march, one company of the twelfth, and two companies of sea fencibles; that the number of militia called into service should be proportioned to the known or probable strength of the enemy, and be taken from the States of Virginia, Maryland, and Pennsylvania: that it is not believed that the enemy will hazard a blow at either place with a force less than five thousand men; that, to repel one of this extent, we should require at least double that number of militia; that these should be assembled at some intermediate point between Baltimore and the District of Columbia, leaving the sedentary or undraughted

militia of both places an auxiliary force at the disposition of the Commanding General, and that arms and ammunition were in depot and ready for their supply.

[Under this head, the Secretary of the Navy stated, that the removal or destruction of the flotilla would put at his disposition between six and eight hundred seamen, and that the marines then in barracks exceeded one hundred.]

2. That the navigation of the Potomac is long and sinuous, and, if not doubtful as to practicability by large ships, is at least uncertain in relation to the time its ascent may occupy; while that of the Patuxent is short and safe, and may be calculated with sufficient precision for military purposes; that, should the enemy ascend the former, his object is unmasked—he at once declares his destination—and of course leaves us at liberty to concentrate our whole force against him; that, on the other hand, should he ascend the Patuxent, (or South river,) his object is uncertain—it may be the flotilla, or Baltimore, or Washington; and that, as long as his point of attack is unknown, so long must our force remain divided; that these considerations suggest the preference he will probably give to the Patuxent, but that this route is not without objections; that a separation from his fleet, and a land march of twenty miles through a country covered with wood, and offering at every step strong positions for defence, becomes inevitable; that, if these circumstances be turned to proper account against him, if he be not absolutely stopped, his march will be much retarded; that this state of things, on which every wise General will calculate, renders necessary a provision train, or the establishment of small intermediate posts, to keep open his communication with his shipping; that the loss of these would make his situation perilous; and that, should the main battle be given near Washington, and be to him disastrous, or even doubtful, his destruction is complete; that, after all, believing he will not hazard the movement but with a very superior force, or one he thinks such, it is also believed that he will prefer this route.

Conformably to these opinions, an order was taken to assemble a corps and form a camp at such point between the City of Washington and Baltimore as might be selected by the Commanding General.

On the 4th of July the militia requisition of that date was issued, and of that requisition two thousand effectives from the quota of Virginia; five thousand from that of Pennsylvania; six thousand, the whole quota of Maryland; and two thousand, the estimated number of the militia of the District, were put at the disposition of the Commanding General. General Stewart's brigade was already in service, under the authority of the State, and had been supplied with arms, ammunition, tents, &c., by the War Department.

At a later period, when discovered that the draughts could not be brought together, but slowly, and with difficulty, a call upon the militia, *en masse*, was suggested by the General, and immediately authorized.

* This document is in possession of the President. No copy of it was retained by me.

Capture of the City of Washington.

Of the force actually assembled and employed I cannot speak with precision, as no return of these troops had been made to the War Department during my connexion with it. In the letter of the Commanding General, of the 27th of August, he states the whole force assembled at Bladensburg, on the 24th of that month, at five thousand men; a number less by two-thirds than that which had been required. This amazing deficiency is thus accounted for by him: "The slow progress of draught, and the imperfect organization, with the ineffectiveness of the laws to compel them to turn out, rendered it impossible to procure more. The militia of this State, and of the contiguous parts of Virginia and Pennsylvania, were called *en masse*; but the former militia law of Pennsylvania had expired on the 1st of June or July, and the one adopted in its place is not to take effect, in organizing the militia, before October. No aid, therefore, has been received from that State."

The third and last point of inquiry under this head is, what other or additional means of defence were within the reach of Government?

Of naval means I am not a competent judge, nor do I know what, of this description, were actually employed, nor what it was possible to have superadded; but of those strictly military, I know none within the view of this question that were omitted. It may be supposed that permanent fortifications should have been multiplied; yet, of works of this character, but one was suggested from any quarter entitled to respect, and this was a committee of bankers, who thought a new work on the Potomac, and below Fort Washington, desirable. To this suggestion it was answered, that a small work would be unavailing, and that, to erect one of sufficient size and strength, was impracticable, for want of money. An offer was then made to supply that want by loaning to the United States \$200,000, on condition that this sum should be devoted to the special object of defending the District. An agreement to this effect was made, and the money promised to be paid into the Treasury on the 24th of August. The events of that day put an end to the business, and at the same time furnished evidence of the fallibility of the plan, had it even been executed, by showing that no works on the Potomac will, of themselves, be a sufficient defence for the Seat of Government. The considerations which governed my own opinion on this subject, and which may have governed that of others, were, that to put Washington *hors d'insulte*, by means of fortifications, would, from physical causes, among which is the remoteness from each other of the several points to be defended, have exhausted the Treasury; that bayonets are known to form the most efficient barriers; and that there was no reason, in this case, to doubt beforehand the willingness of the country to defend it.

In this brief statement you are presented with a view of the force contemplated and ordered by the Government; of the means taken to assemble that force through the usual medium of the

Commanding General;* of that actually assembled and employed; and lastly, of my impressions in relation to any other or additional means of defence.

I now proceed to the second subject of inquiry, the employment of the means we had, and the conduct of the troops.

On the — day of August was received the first notice of the arrival of Admiral Cochrane in the bay; and on the same day advices were brought, that he was entering and ascending the Patuxent. These facts were communicated to the General, and he was instructed to take a position near the enemy. On the 22d he was advised to hang on their rear and flank a heavy corps, while he opposed to them another in their front. My reasons for thus advising him were three: if Baltimore was the object of the enemy, this disposition interposed a corps between them and that city; if they aimed at Washington, it menaced their communication with their fleet, and the security of their return, and was, therefore, most likely to hold them in check; and lastly, it did not forbid a concentration of force in their front, at a later period and by a forced march. On the evening of the 22d I repaired to the army, and found it at the Old Fields, six or eight miles distant from the enemy. A part of the corps contemplated for the service mentioned in the preceding article had joined General Winder, and of the other part (under General Stansbury) no correct account could be given. I took this occasion to urge the necessity of a speedy concentration of our force, and of the usefulness of pushing our pickets frequently and freely upon those of the enemy, as the best means of circumscribing his supplies; of gaining a knowledge of his strength, (of which the accounts were various,) and of preventing a stolen march, which was to be suspected. I was glad to find the General entertained similar views, and that they were in a train of execution. In the afternoon of the 23d I returned to Washington, and during the night of that day the President transmitted to me the letter, of which that which follows is a copy:

"The President of the United States:

"The enemy are advanced six miles on the road to the Woodyard, and our troops retiring. Our troops were on the march to meet them, but in too small a body to engage. General Winder proposes to retire till he can collect them in a body. The enemy are in full march for Washington. Have the materials prepared to destroy the bridges.

"JAMES MONROE.

"Tuesday, 9 o'clock. You had better remove the records."

On the morning of the 24th I received a note from General Winder, informing me of his re-

* His exertions were occasionally aided, and his authority enforced, by the War Department. See Col. Tayloe's letter enclosed; and let me pray that this gentleman may be examined on the subject of it by the committee.

Capture of the City of Washington.

treat and the approach of the enemy, and "asking counsel from me, or from the Government." This letter was late in reaching me. It had been opened, and passed through other hands. The moment I received it I hastened, with the late Secretary of the Treasury, to the General's quarters. We found there the President, the Secretary of the Navy, and the Attorney General. General Winder was on the point of joining the troops, at Bladensburg, whither, it was now understood, the enemy was also marching. I took for granted that he had received the counsel he required; for, to me, he neither stated doubt nor difficulty, nor plan of attack or of defence. This state of things gave occasion to a conversation, principally conducted by the President and the Secretary of the Treasury, which terminated in understanding that I should repair to the troops, and give such directions as were required by the urgency of the case. I lost not a moment in fulfilling this intention, and had barely time to reconnoitre the march of the enemy, and to inform myself of our own arrangements, when I again met the President, who told me that he had come to a new determination, and that the military functionaries should be left to the discharge of their own duties, on their own responsibilities. I now became, of course, a mere spectator of the combat.

If our field combinations were not the most scientific, it ought to be recollected that many of our troops were incapable of receiving those of the best form,* and that circumstances had rendered the order of battle, on our part, nearly fortuitous. "Much of the largest portion of our force," says the General, in his letter of the 27th of August, "arrived on the ground when the enemy was in sight, and were disposed of to support, in the best manner, the position which General Stansbury had taken. They had barely reached the ground before the action commenced.

These facts may also explain why we had no guns in battery in the line of the bridge over which the enemy passed? why a brick house, which enfiladed that bridge, and was partially fortified, should not have been unroofed and occupied? and why a frame storehouse should have been left to cover the head of the enemy's column, and its subsequent display? &c.

If, also, the most efficient corps of the army was left out of the original arrangement, and but got into the line when other parts of it "were retreating, and apparently in much disorder," it will not be forgotten that this corps was distinct and independent, and that the General had no authority, of right, to command it. I witnessed the disquietude of the gallant officer who led this corps, at having been assigned to a duty which, in his own strong language, "but required a corporal and six men." The lateness with which

he got into a post of more distinction, I consider as one of the causes of the disasters of the day; but, without all doubt, the determining cause of these is to be found in that love of life which, in many of the corps, predominated over a love of country and of honor. In illustration of this fact, I refer to the official reports of General Winder and of Commodore Barney, and shall close this letter by adopting the opinion of the former, "that the contest was not maintained as obstinately as could have been desired, but was, by parts of the troops, sustained with great spirit and prodigious effect; and, had the whole of our force been equally firm, I am induced to believe that the enemy would have been repulsed, notwithstanding all the disadvantages under which we fought."

I have the honor to be, sir, with very great respect, your most obedient servant,

JOHN ARMSTRONG.

P. S. On what may particularly relate to Alexandria, I beg leave to refer to my official letter to General Young, of the 24th of August, and to my note to Captain Dyson, and his reply of the 29th. It may be that no copy of the first was kept; in which case the original may be called for.

J. A.

Hon. Col. JOHNSON, *Chairman, &c.*

No. 4.

Letter from the honorable William Jones, Secretary of the Navy.

NAVY DEPARTMENT, Oct. 31, 1814.

SIR: In compliance with the request contained in your letter of the 24th instant, to state to the committee of inquiry "anything that may be within my knowledge, as to the measures taken and adopted by the Administration, and more especially those proposed and adopted at the Cabinet Council on the first of July last, in relation to the defence of the District of Columbia, with such other views and things as may be deemed, in my estimation, pertinent to an inquiry," I have the honor to reply, that, as the information required involves the confidential proceedings of a Cabinet Council, I deemed it expedient and respectful to ascertain, from the proper source, whether any obstacles existed to the development of what passed on that question; and, being freed from all restraint upon that occasion, I proceed to state briefly, from memory, my general recollections upon the subject of the inquiry.

The serious apprehensions of invasion and devastation, which succeeded the knowledge of those extraordinary events, which liberated the powerful naval and military forces of the enemy from European hostility, and the temper of the British nation, as displayed in the language of its journals and conduct of its Government, in relation to the pacific mission which it had invited, were deeply felt, and frequently discussed, in occasional conversations between the individual members of the Administration, prior to the Cabinet meeting on the first of July last, in which the probable points of attack were variously con-

* Upon my inquiring why the dragoons had not been imbedded, masked, and made to charge the right flank of the enemy, the General replied, that an officer of that corps assured him that his men could not be brought to a charge.

Capture of the City of Washington.

sidered. My own impressions inclined to the opinion that there were some points more exposed, less difficult of access, and more inviting to the enemy, upon the system of warfare he had adopted, than the metropolis; the only important objects which it presented, according to my view, being the naval depot and public shipping.

I recollect, on one of those occasions, that the President expressed very great solicitude for the safety of the metropolis; his belief that the enemy would attempt its invasion, and urged the expediency of immediate defensive preparations, with all the disposable force that could be conveniently collected. I accorded in the expediency of preparation, but must confess I was not equally impressed with the apprehension of immediate danger, as well from the reasons I have before assigned, as from the then existing fact, that the force of the enemy, in the waters of the Chesapeake, was entirely naval, and apparently very satisfactorily engaged in conflagrating farm houses, and depredating upon slaves and tobacco, on the shores of the Patuxent. In this sentiment I was not alone.

On the 30th day of June the members of the Cabinet were invited to attend a meeting at the President's mansion, on the following day at noon. At or near the time appointed, the Secretaries of State, Treasury, War, and Navy, and the Attorney General, assembled.

The President stated the object of the meeting to be the consideration of the menacing aspect of things, in consequence of the augmented power of the enemy by the great political changes which had taken place in Europe, and the disposition manifested by the Government and people of Great Britain, to prosecute the war with the most vindictive and devastating spirit; represented the motives and inducements which, he conceived, the enemy had to prefer the invasion of the capital rather than any other immediate enterprise, and urged the necessity of speedy and efficient preparation for the defence of the District and capital; inquired into the existing state of its military and naval defences, and the extent of the disposable force which it would be practicable to concentrate in the District.

The Secretary of War estimated the disposable regular force, applicable to the intended purpose, to the best of my recollection, about twelve hundred, including about two hundred cavalry at Carlisle, Pennsylvania, who, I think he said, were not all mounted, but would probably be so in a short time. He brought into view the volunteer corps of the City and District, the particulars of which I do not recollect, and estimated the depot at Harper's Ferry, I think, to contain at that time about thirty-six thousand stand of arms.

The Secretary of the Navy enumerated the naval force, within immediate reach, as follows: The marines at headquarters, about - - 120 The force attached to the flotilla under the command of Commodore Barney, on the Patuxent, about - - - - 500

620

To the regular force the President proposed to add ten thousand militia, to be designated and held in readiness in such neighboring districts as should be found most convenient. He also suggested the propriety of depositing, at a suitable place contiguous to the metropolis, a supply of arms, ammunition, and camp equipage.

These propositions produced very little discussion, the propriety and expediency of the measures appeared to be admitted, though no formal question was taken, nor any dissent expressed.

The meeting separated, with an understanding, on my part, that the measures proposed were to be carried into effect; but what order took place thereon, other than in the Department of the Navy, I know not; nor do I know any thing further material to the inquiry, except what is embraced in the communication which I had the honor to make to the committee on the 3d inst.

The officers of the Navy Yard are closely engaged in making out the estimates of the loss sustained by the conflagration at that establishment, but the loss of books and papers has retarded their operations. It shall be completed as soon as possible, and transmitted without delay.

I have the honor to be, sir, with great respect, your obedient servant,

W. JONES,
Secretary of the Navy.

HON. RICHARD M. JOHNSON,
Chairman Com. of Inquiry, H. of R.

NAVY DEPARTMENT, Nov. 12, 1814.

SIR: I have the honor to transmit the reports and statements of the Commandant of the Navy Yard, showing the actual loss of public property by the conflagration of the Navy Yard on the 24th of August last.

Exhibit A shows the loss sustained in moveable property, viz: the estimated value previous to the fire; the value preserved or recovered; and the actual loss sustained; as condensed in the recapitulation on the last page.

Net loss - - - - \$417,745 51

Exhibit B shows the loss sustained in buildings and fixtures, in like manner showing the estimated cost and real loss sustained. Net 91,425, 53

Total loss - - - - \$509,171 04

To which is annexed an estimate (believed to be founded upon such data as may be relied upon) of the "expenses of rebuilding in a plain substantial manner," so as to carry on all the public work with as much advantage and convenience as before the fire; amount - - \$62,370 14

I am, very respectfully, sir, your obedient servant,

W. JONES,
Secretary of the Navy.

HON. R. M. JOHNSON,
Chairman Com. Inquiry.

Capture of the City of Washington.

No. 5.

Letters from the honorable Richard Rush, Attorney General.

Narrative by Richard Rush, Attorney General of the United States, of such facts and circumstances as are within his knowledge, relative to the capture of Washington on the 24th of August, 1814; and of measures adopted by the Government in relation to that event, previous to, or on that day; delivered on the requisition of a Committee of the House of Representatives, appointed to investigate the causes which led to the capture.

WASHINGTON CITY, Oct. 15, 1814.

As my official place in the Government embraces no connexion with the duties of either of the four Departments, farther than as I am liable to be consulted on legal questions growing out of the business of either of them, it is not to be expected that I can give information relative to the subject-matter of the committee's inquiries, except—

1st. Such as I may have derived from being present at the deliberations of the Cabinet, when thereto summoned by the Executive, supposing any to be derivable from that source; or,

2dly. Such as I may have derived from my personal presence at Washington, and the opportunities thence furnished of becoming acquainted with acts or measures of Government, or other events transpiring at its seat.

In regard to the former capacity, I would beg leave to premise, that, as these deliberations imply an intercourse of confidence amongst those who participate in them, I hope I do not misapprehend the true nature of the connexion between the Executive and those whom he may invite to his consultations, or fail in my respect to the committee, when I state that I do not hold myself bound to make a public disclosure of matters which may, in this mode, have been the subject of Executive advisement or consideration. The exceptions belonging to such a rule, if any do belong to it, I forbear to advert to, inasmuch as I would be understood to have waived upon this occasion the objections which might otherwise be interposed against the development of transactions from this peculiar source of information. Upon a subject of such delicacy, and one involving future rights, I would beg to be further understood, that, in waiving all objection, I act under the full belief that it is not desired to restrain the freedom of such a course on my part, by any prohibitory injunctions from the quarter whence they could issue.

As introductory, then, to what I may have to disclose under this head, and to meet, as far as in my power, the inquiry made as to my knowledge of any preparatory measures adopted for the defence of the metropolis, I proceed to state—

That, in the month of June, of the past Summer, when the momentous changes in Europe had become revealed to us, I had the honor of holding, individually, occasional interviews with the President. In dwelling upon our public affairs, he expressed his strong belief of the inau-

spicious results which these changes held out every likelihood of superinducing upon them. That the entire liberation of British military power from European conflicts, created a corresponding probability that portions of it, unexpectedly formidable, would be thrown upon our shores. In one, at least, of the conversations, he also dwelt upon the probability of an attack upon Washington; enforcing his opinion on the grounds, among others, of its own weakness, and the eclat that would attend a successful inroad upon the capital, beyond the intrinsic magnitude of the achievement. He spoke of the immediate necessity of preparing for its defence. His impressions of the danger appeared to acquire new force from the 26th of the month, upon which day despatches were received from two of our Ministers abroad, Mr. Gallatin and Mr. Bayard, dated early in May. Upon the 30th of June, the Heads of Departments were desired to meet at the President's House on the following day at 12 o'clock.

They accordingly assembled. All were present. I also, in pursuance of the President's request, attended. Our public affairs were brought into discussion; their altered, and more menacing character; the probable reluctance of the Northern Powers of Europe to regard favorably, at such a moment of European homage to the British name, the just rights for which we were contending; the fierce aspect which British military power now had the means, and probably would not want the disposition to put on towards us; the parts of our country most vulnerable to its immediate irruptions, as well as the general trials before us, were brought into view. The President mentioned what I had heard him, individually, express before, relative to Washington; stating his impression, unequivocally, to be, that, if it fell within the plans of the enemy to send out troops for operations upon the Atlantic frontier this season, he thought the Capital would be marked as the most inviting object of a speedy attack. That it would be right, forthwith, to put in train measures of precaution and defence. He then declared that, to him, it appeared that a force of ten thousand men should be got in readiness for the city and District. That it would be desirable to have as large a portion of it as practicable regular troops; but that, at the least, there should be a thousand of this description, and more if more could be obtained. That the residue should be made up of the volunteers and militia of the District of Columbia, combined with that from the parts nearest adjacent of the States of Virginia, Maryland, and Pennsylvania. That convenient depots of arms and military equipage should also be established. No dissent was expressed to these opinions of the President. The Secretary of War made some verbal estimate of the regiments, or parts of regiments, near at hand. By this, it appeared that, either with, or independent of, the marines at the Navy Yard, (for of this I am not certain) the portion of regular force mentioned could readily be had. I recollect nothing farther to have passed at the meeting about the defence of Washington. What measures were subsequently taken; how

Capture of the City of Washington.

far those proposed were carried into effect; or by what causes they have been retarded or frustrated I have not had the means of knowing with any certainty, and therefore cannot speak. In regard to what I have said, I am disposed to entertain the less distrust of its general accuracy from the habit of keeping occasional written memorandums connected with our public history, and from having refreshed my memory by a reference to some, in the present instance, made at the time.

As it appears to come within the scope of the committee's inquiries that I should also disclose such facts as I may possess a knowledge of, relative to any participation, by the Government, in the immediate events of the 24th of August, I have to state that my knowledge herein is merely incidental. As far as it extends, or may appear to have any bearing upon the interrogatories of the committee, I will proceed to unfold it.

On the morning of that day, probably at about 9 o'clock, I called at the lodgings of the Secretary of War to ask him for his latest intelligence respecting the enemy's movements. He was good enough to hand me a note he had received from General Winder, written from headquarters, then established within the city limits, near the Eastern Branch bridge. It was dated, I think, the same morning. It was short, and stated the accounts from the river below to be more and more serious. It also expressed a wish to receive counsel either from the Secretary individually, or the Executive, as to the operations proper to be adopted in an emergency so critical. Other things may have been in it, but, reading it hastily, I would not be understood to speak with accuracy of its contents. Leaving the Secretary of War, I proceeded to the President's. Arriving there, I learned that the President had gone to the headquarters of General Winder. Thither I also next went. I there found the President, General Winder, Commodore Tingey, and two or three military officers. The Secretary of State, I understood, had previously been there, but had gone on to Bladensburg. The Secretary of the Navy came into the room not long afterwards. Of Commodore Tingey's presence I am not certain. The conversation turned upon the route by which it was thought most likely the enemy would make his approach. It was interrupted by dragoons, who had been on scouts, coming in every few minutes with their reports. The preponderance of opinion, at this period, I took to be that he would be most likely to move in a direction towards the Potomac, with a view to possess himself of Fort Warburton in the first instance. By this course, he would secure the passage of his ships, then supposed to be in the river below, and thus their ulterior co-operation, whether in the attack or retreat of his land troops. This way of thinking induced, as I supposed, General Winder to retain a large portion of his force in the neighborhood of the Eastern Branch bridge, in preference to moving it on, under the existing state of intelligence, towards Bladens-

burg. In anticipation of success to the enemy's attempts by water or land, or both, some conversation was had as to the proper precautions for blowing up, or otherwise rendering useless, the vessels and public property of the Navy Yard. After the lapse of probably an hour from the time I reached headquarters, an express arrived from General Stansbury, commanding the Baltimore troops, at Bladensburg, rendering it at length certain that the British army was advancing in that direction. General Winder immediately put his troops in motion, and marched off with them for Bladensburg.

When he had left the house, the Secretary of War, in company with the Secretary of the Treasury, arrived there. The President mentioned to the former the information which had just been received, at the same time asking him whether, as it was probable a battle would soon be brought on, he had any advice or plan to offer upon the occasion. He replied that he had not. He added, that, as it was to be between regulars and militia, the latter would be beaten. All who were in the house then came out; the Secretary of War getting on his horse to go to Bladensburg, and the Secretary of the Navy going to the marine barracks close by. Commodore Barney, with his seamen and marines, who were still remaining in or near the barracks, were ordered to push on with all despatch to Bladensburg, an order their anxiety stood anticipating. The President first went to the barracks, inviting me to accompany him. He then observed that he would ride to Bladensburg, with a view to join the two Heads of Departments, already gone there, and be of any use in his power. I proceeded on with him. Before we could reach the town, the forces of the enemy had possession of it. General Winder, as it struck my eye in riding along, had formed the troops he marched out with him on each side of the road, stretching a mile from Bladensburg, in such way as the few moments left him would allow. But, according to what particular plan they were drawn up, or by whose order, I cannot say. The President met with the Secretary of War and the Secretary of State upon the field near the front ranks. The former had arrived just before him. When the President arrived, the arrangement for the battle, whatever it may have been, was apparently made. It commenced in a very few minutes, and, in not many more, some of our troops began to break. The President and two Secretaries, at about this period, retired together. I joined them very shortly afterwards, and rode into Washington with the President.

It does not, at present, occur to me that I can state anything further relevant to the inquiries of the committee. I shall be ready to answer any questions it may think fit to propound, with a view to recall any explanatory or additional circumstances or facts, not collected above, or which I have not deemed it material to state.

RICHARD RUSH.

Hon. R. M. JOHNSON,
Chairman Committee of Inquiry.

Capture of the City of Washington.

WASHINGTON, November 3, 1814.

SIR: I have had the honor to receive your note, of the 29th of last month, requesting of me such information as I may possess relative to a report made early in June, from the War Department, to the President, of the amount of regular and militia force, and its distribution throughout the country; which report was submitted by the President to the Heads of Departments; and requesting, also, that I will add any further matter to my former narrative, which may have since occurred to my recollection, that I may deem material, particularly as to the part taken by the President, or any of the members of the Government, on the day of the battle of Bladensburg.

With the same reservation which I before took the liberty to make, of the privilege of being at my option as to the disclosure of facts of which I may have derived the knowledge through any confidential medium whilst engaged in public duties, I have to state—

That, at a meeting which took place of the Heads of Departments, at the President's, on the 7th of June, at which I also was present, I do remember that a paper was read by the President, which had been furnished by the Secretary of War, containing an estimate of all our land force, as well as its distribution. A similar one was exhibited of the naval force, prepared by the Secretary of the Navy. This, too, was read by the President. I remember the aggregate amount of the land force, but not the portions of it as then distributed through the respective military districts; or, at least, not that falling within district No. 5. The meeting was called, and the estimate of force submitted, for purposes quite distinct from the defence of district No. 5. The latter object being excluded, renders it, I presume, unnecessary that I should trouble the committee with any detail of the deliberations or resolutions that were had upon the occasion.

As regards the other branch of inquiry, I feel at some loss. I am not sure that I do remember any supplemental facts, which the committee might think material to be stated, relative to what took place on the day of the battle. Upon this subject I would, with the most entire deference, beg leave to suggest, that perhaps the most eligible course would be for me to answer (as I should ever be ready to do) to such interrogatories as the committee might find it in their discretion or convenience to put, rather than leave in my own hands the choice of topics. I venture upon the freedom of the remark from the fear that I may omit or introduce matter, which, in other eyes, might wear a different aspect of relationship to the investigation, to what it had done in mine. When the President expressed his intention of going to Bladensburg, he observed, while on the road, that one motive with him was, that, as the Secretary of War, who had just gone on, might be able to render useful assistance towards arrangements in the field, it would be best that the requisite sanction to it should be at hand, preventing thereby, at a moment so important, any possible embarrassment, arising from the claims or

duties of the Commanding General. But when we reached the field we found the troops formed, and waiting, in their stations, the onset of the battle. The British army was already in full sight, and advancing in full march, through Bladensburg. At this juncture the President joined the Secretary of State and the Secretary of War, and all approached to the spot where General Winder was. Some words of conversation seemed to pass between the President and the two latter. I was not near enough to overhear it. General Winder rode forward a few yards, exhorting the troops to be firm. The firing began almost immediately afterwards. Results took place that are known. It had been the wish of the President, as signified to me, on the ride out, that, after every military arrangement for the battle had been made, on the best advice attainable, the civil functionaries should join him, and retire to the rear of the army, with a view to any ulterior deliberations which events might render necessary. I took it to be in conformity with this wish that the Secretary of State, the Secretary of War, and himself, retired at the time, and in the manner, I have stated, and it was in pursuance of it that I accompanied them. Whilst still on the field, encompassed by part of our troops, I think I understood the two Secretaries to unite in opinion, that the mode in which they had been drawn up was as judicious as the time and circumstances allowed. But of this I do not speak with confidence, as my attention was partly taken up in viewing, from hill to hill, the contending movements. To me it appeared plain that entire ranks of our men, in front, were dispersed by the shock of the enemy, before any order for retreat was given by the Commanding General.

I have the honor to be, with great respect, your obedient servant,

RICHARD RUSH.

Hon R. M. JOHNSON,

Chairman Com. of Inquiry.

No. 6.

Communication from the War Department, including the orders in relation to the tenth military district, the requisition of the 4th of July, and the correspondence with the Governors of Pennsylvania, Virginia, and Maryland, and with General Winder.

BALTIMORE, July 9, 1814.

SIR: The objects of the command which has been conferred upon me have consequently, since I received it, occupied my serious consideration.

The utmost regular force which it is probable can, in the present state of affairs, be placed at my command, including the force necessary for garrisoning the several forts, will not exceed one thousand men, and some weeks will necessarily elapse before the detachments from Virginia and Carlisle will reach my district; the detachments of the 36th and 38th are, therefore, the only troops that I can expect to have in the field in the mean time; and when those other detachments join, the utmost field force will be seven to eight hundred.

Capture of the City of Washington.

In conversation with you at Washington, I understood the idea, at present entertained, relative to the auxiliary militia force proposed for the District, to be, that it shall be draughted and designated, but that no part of it is to be called into the field until the hostile force, now in the Chesapeake, shall be reinforced to such an extent as to render it probable that a serious attack is contemplated.

The enemy's fleet has now spent more than a twelvemonth in the waters of the Chesapeake, and, during that time, has visited almost every river falling into the bay; and must be presumed to have such accurate information, that, whatever expedition may be destined to these waters will have a definite object, to the execution of which, on its arrival, it will proceed with the utmost promptitude and despatch. Should Washington, Baltimore, or Annapolis, be their object, what possible chance will there be of collecting a force, after the arrival of the enemy, to interpose between them and either of those places? They can proceed, without dropping anchor, to within three hours' rowing and marching of Baltimore; within less of Annapolis; and upon arriving off South river, can debark, and be in Washington in a day and a half. This celerity of movement, on their part, is not probable, owing to adverse weather and other causes; but if the enemy has been active, while in our waters, to acquire a knowledge of our country, of which there can be no doubt, and should be favored with weather, on the arrival of reinforcements, he can be in Washington, Baltimore, or Annapolis, in four days from entering the Capes. But allowing, liberally, for all causes of detention, he can be in either of those places in ten days from his arrival. What time will this allow us to hear of his arrival, to disseminate through the intricate and winding channels the various orders to the militia, for them to assemble, have their officers designated, their arms, accoutrements, and ammunition, delivered, the necessary supplies provided, or for the commanding officer to learn the different corps and detachments, so as to issue orders with the promptitude and certainty so necessary in active operations? If the enemy's force should be strong, which, if it come at all, it will be, sufficient numbers of militia could not be warned and run together, even as a disorderly crowd, without arms, ammunition, or organization, before the enemy would already have given his blow.

Would it not then be expedient to increase the force of my command, by immediately calling out a portion of militia; so that, by previously selecting the best positions for defence, and increasing, as far as possible, the natural advantages of these positions, the advance of the enemy might be retarded, his force crippled, and time and opportunity thus gained for drawing together whatever other resources of defence might be competent to resist the enemy? The small force of regulars will be incompetent to accomplish any material works at favorable positions, for strengthening the defences, and to supply the various vidette parties, which it will be necessary to station,

on the prominent points of the bay, to watch the enemy, and communicate his movements with the greatest possible despatch.

Allow me, sir, respectfully to propose that four thousand militia be called out without delay. I propose to station these in equal proportions, in the most eligible positions between South river and Washington, and in the vicinity of Baltimore. Baltimore could not be aided by a force stationed between South river and Washington, unless a force were on the spot to retard the advance of the enemy until it could arrive, and so with respect to the force at Baltimore, in co-operating with that intended to defend Washington. Each could assist the other if of this magnitude, and it appears to me that, with materially less means actually in the field and ready for instant action, no hope can be entertained of opposing the enemy in assailing either of those places.

I shall proceed to Annapolis to-morrow, and have but little doubt that the Executive of Maryland will cordially co-operate in affording such means as it may be deemed advisable to call for; and I beg you will permit me to procure this, or such other militia force as the President may think proper immediately to be called out.

I sent an order from Washington for the detachments of the 36th and 38th to move up to the head of South river, where I propose to meet them, and fix upon the most eligible spot for the camp intended to defend Washington.

You will please, therefore, to direct any communications to me, to Annapolis, which will enable me to make the requisite arrangements with the Executive of Maryland at once.

I have the honor to be, with great respect, sir, your obedient servant,

W. H. WINDER,
Brig. Gen. 10th Military Dist.

Hon. J. ARMSTRONG, *Sec'y of War.*

UPPER MARLBOROUGH, July 16, 1814.

SIR: I reached this place last evening, in my tour of examining the country. From what I have seen and learned, it appears to me that there cannot be found a place of tolerable convenience with reference to the objects of defence, for an encampment, except in this neighborhood. Two places near here offer many conveniences: the one, two and a half miles on the Western branch and the road to Bladensburg, which I have seen; the other, about five miles on the road to Washington and Piscataway, near the Woodyard, which I shall examine to-day. The former is represented as unhealthy during August and September, but possesses all other requisites; the latter is said to be healthy, and unless there should be some considerable deficiency towards the comfort and convenience of a camp, I presume will be preferable; and if, upon examination, I shall find it eligible, I shall order the 36th and 38th immediately to proceed thither. I am much embarrassed about the situation of Annapolis: it cannot be defended against a serious attack by land and water, without a large force and many

Capture of the City of Washington.

additional works; and yet it appears to me that, should the enemy contemplate serious operations in this quarter, with any considerable force, it will be of the utmost importance to him to occupy it. With the command of the water, an entrenchment of seven or eight hundred yards, properly protected by batteries, renders it secure against any attack by land. It furnishes a position in every respect desirable and useful to him for making enterprises against any other point, and a safe retreat against every calamity; in short, it appears to me to be the door to Washington, and it is not possible for us to shut it with our present means. Fort Madison, besides its exposed and defenceless situation, except from an approach direct by water, is so very unhealthy during the months of August and September, that it is not possible to keep a garrison in it. It is provided with two fifty pound columbiads, two twenty-four pounders, two eighteen pounders, one twelve and one six pounder. These guns will be exposed to certain capture if they are left there, and will be turned against the town and Fort Severn, with decisive effect, unless we can find the means of making a substantial defence of the place.

It appears to me that these guns should be removed, and the post mined, ready to be blown up whenever an attack of the town may be contemplated. I cannot, however, but again remark that the importance of the place to the enemy, in every point of view, renders it of the last importance to be defended, if the means can be obtained. But a considerable force ought to be instantly sent there to prepare the works necessary to give a chance of successful defence. On my arrival here last evening, I learned that an express had passed through this place to the Governor of Maryland, who stated that he was the bearer of information that two seventy-fours, with a number of small vessels, had made their appearance near the mouth of the Potomac. It is of importance that I obtain the earliest intelligence, if this be true; and I beg, if you have any intelligence worthy of attention, that you would communicate it to me here without delay. By the return of the express to Point Lookout, I shall write to the person employed there to give intelligence, and direct him to transmit me by express, intelligence of all the movements of the enemy. I shall also establish express lines from all the prominent points of observation on the bay, unless these may be already established, of which I beg you to inform me. The Governor and Council of Maryland have taken steps immediately to comply with the requisition of the General Government; but I fear, from my recent experience, it will be in vain to look for any efficient aid upon a sudden call upon the militia.

W. H. WINDER.

Hon. J. ARMSTRONG, *Sec'y of War.*

NOTTINGHAM, *July 17, 1814.*

SIR: We have information, deemed credible here, that the enemy are advancing up this river

in considerable force. I have called the detachment of regulars to this place, who will be here to-morrow. The alarm is going out to assemble what militia force can be collected; and I take the liberty of suggesting the propriety of sending to this point, with the utmost expedition, the marine corps, and all the militia force that can be procured from the District.

Yours, respectfully,

W. H. WINDER,

Brig. Gen., 10th Military Dist.

Hon. SECRETARY OF WAR.

ANNAPOLIS, *July 20, 1812.*

SIR: Your letter of the 17th reached me on the 18th. The enemy proceeded no further up the Patuxent than Hunting creek, where he landed and committed some depredations in Calvert county. He has since returned down the river, leaving us in doubt where he will next appear. I, in consequence, halted the three companies of city volunteers at the Woodyard, and the detachments of the 36th and 38th at Upper Marlborough, until some further indication shall be made by the enemy.

I have seized this moment to proceed to this place to arrange the calling of the Maryland militia, demanded by the requisition of the fourth instant. This will be immediately attended to by the Governor of this State. I have deemed it advisable to call for the highest number directed by the President, supposing that, by this means, we might possibly get the lowest.

I shall immediately proceed to Baltimore, to see and understand the means of defence there, to make the necessary arrangements and orders. I shall leave this to-morrow afternoon, or next day morning at farthest, (unless some movement of the enemy renders it unnecessary) and proceed to the country between Potomac and Patuxent.

I am, very respectfully, sir, your most obedient servant,

W. H. WINDER.

Brig. Gen., 10th Military Dist.

Hon. J. ARMSTRONG, *Sec'y of War.*

N. B.—The Governor informs me that it will not be in his power to supply the arms, camp equipage, &c., to the quota. The requisitions already made and expected for local defence have exhausted the State arsenal.

I have delayed dismantling Fort Madison, only because it will excite greater sensation and clamor, and by that means proclaim to the enemy that it was not to be, or could not be, defended, and thus invite him to take possession of it. It would be impossible to dismantle it without making it public; and I have deemed it more expedient to risk the loss of the guns there, than, by removing them, invite the enemy to take the place, which he may possibly abstain from while he supposes the place will be defended.

W. H. W.

Capture of the City of Washington.

UPPER MARLBOROUGH, July 23, 1814.

SIR: I availed myself of a suspension of the enemy's movements to proceed to Annapolis and Baltimore, to attend to the militia calls on Maryland. I returned here yesterday at two o'clock. The Governor has issued orders for calling out three thousand of the draughts, under the requisition of the fourth of July; and, at my suggestion, has appointed Bladensburg as the place of rendezvous. I preferred this place, because it was near the proposed line of defence, and contiguous to the supplies which Washington can afford. It will be necessary that arms, ammunition, accoutrements, tents, and camp equipage, be deposited there for them. I have no knowledge where these articles are in store, nearest that point, nor under whose charge they are. I must pray you give the necessary orders for having the requisite deposits made at that place. I have notified the contractor.

The two thousand militia from General Smith's division, and who are to rendezvous near Baltimore, will, I believe, need no supplies but provision and ammunition from the United States. Upon these points I have taken orders. I fear some time will elapse before either of these requisitions can be complied with, in having the men assembled, especially the former, the draught being yet to be made. Major Marsteller, if not too much occupied at Washington, ought to be with me in the field; but his duties will call him, probably, to so many different points, that it appears to me he will require an assistant. The enemy's force is divided between the Potomac and Patuxent. The accounts which ought most to be credited, give five hundred as having landed from the Patuxent squadron, and from one thousand to fifteen hundred from the Potomac squadron; and although, from repeated experience, we are forbid to rely on this intelligence, yet, as it is the only direct intelligence we have, and comes from respectable people having had opportunities of observation, it cannot be wholly disregarded. I shall, therefore, for the present, still retain the city volunteers, and keep them and the regulars in a post of observation and readiness. I shall myself proceed nearer the enemy, for the purpose of better information and observation.

As I do not know whether only the quota of the District militia is to be draughted and placed at my disposal, or whether, on occasion, they are all considered as liable to requisition, I would thank you for information on that subject. As that part of the Pennsylvania militia, assigned for my district, are remote, and could not be called out upon emergency, might it not be expedient to draw from remotest points, leaving that portion of the militia nearest the probable scene of action, to be called out on the spur of the occasion? A deserter from the British, whose examination I have seen, says they talk of attacking Annapolis. If they know their own interest and our weakness, in fact incapacity, to defend that point, they certainly will possess it.

I have the honor to be, &c.

W. H. WINDER

WOODYARD, July 23, 1814.

SIR: Since I wrote you this morning, I have, under all circumstances, deemed it expedient to direct Captain Davidson to return to Washington with his detachment of volunteers.

The facility with which they can turn out and proceed to any point, renders them nearly as effective as if actually kept in the field; and the importance to them individually of attending to their private affairs, decides me, even in the doubt of the enemy's probable movement, to give this order.

I take the liberty of suggesting, upon the information of Captain Doughty, that the rifles they have are very defective for service; and it would be useful, especially at the present moment, if they could be supplied with better. Captain Burch's artillery are also without swords. Whether both those articles are supplied to the militia of the District by the Government, I know not; but if they are and can be, the probable demand for the services of the militia of the District, and their importance in the scale of our force, would render it desirable they should be supplied.

I beg leave also to suggest, upon the information of the commanding officers of companies, that, if the tents and camp equipage were respectively left under their charge, it would enable them to march when called upon with much greater promptitude.

I have the honor to be, with very great respect, sir, your obedient servant,

W. H. WINDER,

*Brig. Gen., 10th Military Dist.*Hon. J. ARMSTRONG, *Sec'y of War.*

WARBURTON, NEAR FORT WASHINGTON,

July 25, 1814.

SIR: From the enclosed representation of Lieutenant Edwards, and my own observation in confirmation thereof, Fort Washington is, in several respects, incomplete in its state of preparation for defence. If the eighteen pound columbiads are not mounted even in the block-house, ammunition ought to be sent down for them and the eighteen pounders on the water battery. Lieutenant Edwards will send a requisition for the quantity and kind of ammunition necessary. Can Colonel Wadsworth, or the proper department at Washington, have the platform enlarged, which will be necessary to render the battery of the fort effectual?

I shall proceed down as far as Port Tobacco to-day.

I am, with great respect, &c.,

W. H. WINDER,

*Brig. Gen., 10th Military Dist.*Hon. J. ARMSTRONG, *Sec'y of War.**Report of Lieutenant Edwards.*

FORT WASHINGTON, July 25, 1814.

SIR: I deem it my duty to report to you the defenceless situation of this post. The necessity

Capture of the City of Washington.

of mounting heavy artillery in the block-house is apparent to every military character who is acquainted with the ground adjacent to the works. It is true a few eighteen pound columbiads have been sent here, but there are no means to enable us to mount them: we are destitute of a gin and tackle. The width of the platform in the fort is another subject upon which frequent representations (I understand) were made to General Bloomfield, but without effect. The depth of platforms for heavy pieces is generally from three to four toises, but seldom less than three. The width of this is but fourteen feet, very little more than two toises. At the first discharge of our heavy guns, I have known them to recoil to the hurtoirs. When they are heated they would undoubtedly run over it, and thus be rendered useless for a time.

On the water battery there are mounted five excellent long eighteen pounders, (ship guns,) but there is not a pound of ammunition for them. In case of an attack by water, the utility of these guns would soon be discovered. In defending ourselves against maritime attacks, it is of the first importance to have a battery near the level of the water, so as to strike the hull of the ship in a horizontal line; for the chance of hitting the object is much greater than when firing from an elevation; when it is only an intersection of the line of fire by the line of the surface that the ball can strike a ship's hull. In the first case the gunner has only to move his piece horizontally; in the other he must combine his direction with those of his elevation and the progress of the ship.

Some of the gun carriages in the fort are in bad order, but not so much so as to render them unserviceable. You will perceive by this morning's report, which I enclose, what is the strength of my force: those reported sick are invalids; those on extra duty, are men employed in the bake-house, garden, &c., and who are from bodily defects incapable of guard duty, but would be serviceable in the action.

..... I have the honor to be, &c.,

JAMES L. EDWARDS,
Lieutenant, comm'g Fort Washington.

Colonel Wadsworth's Report.

A couple of hands were ordered from Greenleaf's Point on Monday, to execute the necessary repairs of the gun carriages at Fort Washington. The platform is undoubtedly too narrow, as well as the parapet, but I think Lieutenant Edwards is mistaken in representing it to be but fourteen feet. It was directed to be made twenty or twenty-two feet, if I do not misrecollect. The disadvantage of too narrow a platform may be obviated with no great difficulty, by checking the recoil of the piece by means of an elastic hand-spike introduced between the spokes of the wheels to prevent them from turning. The defect of an insufficient parapet is not so easily obviated. It would be advisable I think, at a proper time, to make a new wall in front, fifteen or twelve feet in advance of the present, which

would give sufficient extent, as well for the platform as parapet, without disturbing the magazine, &c. The whole original design was bad, and it is therefore impossible to make a perfect work of it by any alterations.

Two hundred rounds of shot and cartridges for eighteen pounders can be sent down, if thought proper. I directed some grape shot for the eighteen pound columbiads to be prepared long ago. A tackle and fall, to mount those guns in the block-house, will be provided.

Captain Marsteller, whom I have just seen, informs me there was a good tackle and fall at Fort Washington when he left. He says the platform was made above twenty feet wide.

D. WADSWORTH.

PORT TOBACCO, July 26, 1814.

SIR: From the uniform train of information yesterday, the enemy are descending both the Potomac and the Patuxent. I cannot, however, rely implicitly on the intelligence. I expect more certain intelligence this morning. I expect the enemy will move up the bay next, and I shall not be surprised to find Annapolis his object, which I fear would fall before five hundred men. As soon as I am certain of the movements of the enemy, I shall return to Marlborough, and thence as circumstances may require.

What prospect of the cavalry from Carlisle, and the detachment from Virginia? I have received intelligence of neither.

I am, very respectfully, &c.,

W. H. WINDER,
Brig. Gen., 10th Military Dist.

HON. J. ARMSTRONG, Sec'y of War.

PISCATAWAY, July 27, 1814.

SIR: I returned to this place from Port Tobacco this morning.

One of the enemy's frigates, the Loire, it is said passed through the Kettle Bottoms, but returned the day before yesterday to Clement's bay, where two seventy-fours still remain. I have not obtained information where the remainder of the fleet are. If there are any of their vessels in the Patuxent, they are at or near the mouth of the river. I expect to hear of them next up the bay. I shall go on immediately to Marlborough, where, or near it, I shall remain until the movements of the enemy may call me away.

General Stewart has a very considerable force at or near Cedar Point; Colonel Beall has his regiment and a troop of cavalry at Port Tobacco; and Colonel Bowie with his regiment is at Nottingham; the regulars under my command are at Marlborough, between the enemy and any possible approach to Washington. The Governor is exerting himself to collect a force at Annapolis.

I have employed myself without intermission in examining the country, and have acquired a knowledge of its topography, which will be extremely useful to me.

Capture of the City of Washington.

I should have proceeded lower down had the enemy's force been up the rivers Potomac or Patuxent; but the retrograde movements on both the rivers induces me to suppose they will proceed to some other point, and I return to Marlborough to be ready whenever he may appear.

I have heard nothing as yet of the dragoons from Carlisle, or the detachment of infantry from Virginia. Are there not enough recruits of the thirty-sixth and thirty-eighth to form a company each? If either have fifty men, would it not be advisable to organize and order them to join?

This will be delivered you by Major Stewart, who goes by the way of Washington, will join me at Marlborough, and take any commands you may have for me.

I am, with great respect, &c.,

W. H. WINDER,

Brig. Gen., 10th Military Dist.

Hon. J. ARMSTRONG, *Sec'y of War.*

PISCATAWAY, *July 27, 1814,*

SIR: In the third paragraph of my letter, just finished, and which will accompany this, I have used general expressions relative to the force, in order that, should it be deemed advisable to use any information I have communicated to tranquillize the morbid sensibility of the people of the District, no injurious disclosure may be made; and I add a more specific account of the force in a separate letter for your information.

General Stewart states his force at eight hundred; Colonel Beall has three hundred to three hundred and fifty, and forty dragoons; Colonel Bowie has, I presume, three hundred. The Governor has been, in vain, endeavoring to assemble the neighboring militia at Annapolis; he had called on Frederick county, and some militia were coming in from thence, when I last was at Annapolis. All this force is, however, called out by the authority of the State laws, and is not under my command. But they do and will cooperate toward the general defence. I am, &c.,

W. H. WINDER,

Brigadier General.

Hon. J. ARMSTRONG, *Sec'y of War.*

PORT TOBACCO, *August 1, 1814.*

SIR: I learn this morning, in a manner which leaves me no doubt of the fact, that the enemy have retired down near to the mouth of the river, if he has not left it, with all his ships. A rumor, not so well authenticated, but very probable, states the force in the Patuxent to be increased and ascending that river.

I have halted the detachment under Lieutenant Colonel Scott at Piscataway, where they will wait until some ascertained movement of the enemy shall render it necessary for them to move to some other point.

I shall see General Stewart, of the militia, this morning, and then be able to speak more decidedly.

I am, sir, with great respect, your most obedient servant,

W. H. WINDER,

Brigadier General commanding.

Hon. J. ARMSTRONG, *Sec'y of War.*

BALTIMORE, *August 13, 1814.*

SIR: In consequence of the two regiments which were draughted from General Smith's division, under the requisition of April last, being accepted as part of the quota of Maryland, under the requisition of the 4th of July last, of the impracticability, besides impropriety of calling any portion of those draughted from the Eastern Shore, and the necessity of leaving all the men immediately upon the bay, and low down upon the rivers, for local defence on the Western Shore, the remaining portion of the Maryland draughts to be assembled at Bladensburg, instead of being three thousand, will not much exceed as many hundred. I shall require the Governor to order out all the draughts that can possibly be spared from the three lower brigades on the Western Shore; but since the whole number draughted on the Western Shore, exclusive of those drawn from General Smith's division, do not amount to fifteen hundred, I apprehend that, after all shall be assembled, under this second order from the Governor of Maryland, they will not exceed one thousand men. The most convenient and immediate resource to supply this deficiency, which occurs to me, will be to take the militia drawn out under the State authority, and now assembled at Annapolis, to the amount of one thousand men, into the service of the United States, and to call on the Governor of Pennsylvania for one regiment. This would make the militia force (independent of the two regiments near this place) under my command between two and three thousand men, and would complete the views of the President in the order communicated to me by you, to call for not more than three, nor less than two thousand over and above the two regiments here.

The objects for which the militia were called to Annapolis, were such as to make it proper that the force should be under the direction of the commander of the 10th military district. Some force ought and must be kept at Annapolis, and if it should be deemed proper to authorize me to accept them, I should leave them there until some necessity occurred requiring them elsewhere; and the trouble and expense of advancing a detachment there, would be avoided.

These men are only called out for sixty days, which may, perhaps, be long enough, and will, at all events, afford sufficient time to ascertain whether a further force will be necessary. They are already in the field, equipped in all respects, and organized. A saving of their equipments will be gained by the United States, and all the time and trouble of calling a force in their place.

I shall proceed for Bladensburg and Washington to-morrow, or the day following.

Capture of the City of Washington.

I have the honor to be, sir, with great respect,
your most obedient servant,

W. H. WINDER,
Brig. Gen., 10th Military Dist.

Hon. J. ARMSTRONG, *Sec'y of War.*

WAR DEPARTMENT, Aug. 22, 1814.

DEAR GENERAL: Your letter of the 21st is received.

Of the force in the Potomac we do not know as much as we ought. Their fleet is said to consist of six frigates, one of which had got aground on the Kettle Bottoms. They have on board some troops or marines which had been previously encamped on St. George's Island. General Parker is observing them on the Virginia side of the river, at the head of a small brigade of militia, about fourteen or fifteen hundred.

Enclosed is a letter from General Douglas, of Loudoun. I have ordered him to come on directly, without seeking a rendezvous with General Hungerford. A detachment of the 12th infantry (recruits) arrived here yesterday. They shall be armed, equipped, and marched to the Woodyard this morning. The Baltimore brigade will be at Bladensburg to day. Would it not be well to throw Barney's seamen (six hundred) and some other troops on the right of Nottingham? A demonstration which shall menace the rear of the enemy and their communication with the shipping, will, if it does not actually stop, at least very much retard their progress.

I am, sir, with great respect, your most obedient servant,

JOHN ARMSTRONG.

Brig. General WINDER,
Prince George's county, Md.

WASHINGTON CITY, Aug. 19, 1814.

SIR: I beg leave to suggest, through you, for the consideration of the President, the following propositions:

Would it be expedient, under the direction of the Navy Department, to have vessels ready to be sunk in the Potomac, at Fort Washington, or other proper point, at a moment's warning, to obstruct the navigation?

Would it not be proper to put all the boats, which can be propelled by oars, that are at this place, under the control of the Navy Department, at Fort Washington, to transport troops across the river from either side, as circumstances may require?

Would it not be expedient, in our present destitute condition of military force, to put the marine corps into service, or, at all events, to cause them to reinforce Fort Washington at a moment's notice, or to be applied, as circumstances require, to any point of defence?

From the great and overwhelming force of the enemy on water, it is no longer useful to keep the flotilla armed in the Patuxent; might not that force be applied to some stationary point of defence on land, or be subjected in some way to co-

operate in the general arrangements which the commander of the district may make?

Serious difficulties have already arisen from collision, in the Patapsco, with the command of Fort McHenry and the flotilla, in performing the duty of guard and look-out, the flotilla boat having stopped and kept in custody all night the look-out boat of the fort.

Would it be advisable for the commander of the district, or any other public authority, to make an appeal to the patriotism of the country, at the present moment, for volunteers, without regard to their legal obligations as militia men? A large force very useful might be obtained, probably, in this way, which would cost only provision and ammunition. In fine, would it not be advisable, without regard to forms, too slow for the emergency, to invite and call in every man that can be found? This is, perhaps, more expedient, because I have received official information that the Pennsylvania militia are not in a state to be called out legally; the former law having expired the 1st of July, and the law of last session not taking effect as to organization until October next. I take this occasion to state that I have called for the militia of the District of Columbia, en masse; for General West's brigade in Prince George's county, and General Williams's, of Anne Arundel, also en masse; and the Baltimore brigades, also en masse. I shall forward by express, immediately, demands for five hundred men each, from all the brigades on the Western Shore of Maryland, and the counties which border the Potomac on the Virginia side. General Hungerford, Northern Neck, has a force in the field which I have called on him to march, without delay, to this place. The result of all these operations will be certainly slow, and extremely doubtful as to the extent of force produced.

I am, sir, most respectfully, your obedient servant,

W. H. WINDER,
Brig. Gen., 10th Military Dist.

Hon. SECRETARY OF WAR.

WASHINGTON, August 21, 1814.

SIR: The calls which have been made upon the militia officers, and the appeals to the people to turn out, is likely to produce, in haste, an uncertain force in its amount and armament; probably, very considerable in numbers. I beg leave, therefore, to suggest the propriety of augmenting the quantity of arms immediately at this place or its vicinity; perhaps Foxall's works would be a good and safe depot, and sufficiently convenient. They can be drawn, by immediate exertions, in sufficient time. All the flints that the utmost efforts can produce, ought to be collected here without delay.

I am, sir, most respectfully, your obedient servant,

W. H. WINDER.

Hon. J. ARMSTRONG,
Secretary of War.

Capture of the City of Washington.

HEADQUARTERS, COMBS'S, NEAR
EASTERN BRANCH BRIDGE,
Wednesday, August 24, 1814.

SIR: I have found it necessary to establish my headquarters here, the most advanced position convenient to the troops, and nearest information. I shall remain stationary as much as possible, that I may be the more readily found, to issue orders, and collect together the various detachments of militia, and give them as rapid a consolidation and organization as possible.

With great respect, yours, &c.

WM. H. WINDER,

Brig. Gen., 10th Military Dist.

Hon. SECRETARY OF WAR.

P. S. The news up the river is very threatening. Barney's, or some other force, should occupy the batteries at Greenleaf's Point and the Navy Yard. I should be glad of the assistance of counsel from yourself and the Government. If more convenient, I should make an exertion to go to you the first opportunity.

NOTE.—The following memorandum was endorsed on the back of the foregoing letter, in the hand-writing of Secretary Armstrong:

"Went to General Winder; found there the President; Mr. Monroe had also been there, but had set out to Bladensburg to arrange the troops, and give them an order of battle, as I understood; saw no necessity for ordering Barney to Greenleaf's Point or Navy Yard. Advised the Commodore to join the army at Bladensburg, and ordered Minor's regiment to that place. Advised General Winder to leave Barney and the Baltimore brigade upon the enemy's rear and right flank, while he put himself in front with all the rest of his force. Repeated this idea in my letter to him of the 22d."

BALTIMORE, *August 27, 1814.*

SIR: When the enemy arrived at the mouth of the Potomac, of all the militia which I had been authorized to assemble, there were but about one thousand seven hundred in the field; from thirteen to fourteen hundred under General Stansbury, near this place, and about two hundred and fifty at Bladensburg, under Lieut. Colonel Kramer; the slow progress of draught, and the imperfect organization, with the ineffectiveness of the laws to compel them to turn out, rendered it impossible to have procured more.

The militia of this State, and of the contiguous parts of Virginia and Pennsylvania, were called on en masse, but the former militia law of Pennsylvania had expired on the first of June or July, and the one adopted in its place is not to take effect in organizing the militia, before October. No aid, therefore, has been received from that State.

After all the force that could be put at my disposal in that short time, and making such dispositions as I deemed best calculated to present the most respectable force at whatever point the enemy might strike, I was enabled, by the most ac-

tive and harassing movements of the troops, to interpose before the enemy at Bladensburg about five thousand men, including three hundred and fifty regulars and Commodore Barney's command. Much the largest portion of this force arrived on the ground when the enemy were in sight, and were disposed to support, in the best manner, the position which General Stansbury had taken. They had barely reached the ground before the action commenced, which was about one o'clock, P. M. of the 24th instant, and continued about an hour.

The contest was not so obstinately maintained as could have been desired, but was by parts of the troops sustained with great spirit, and with prodigious effect; and had the whole of our force been equally firm, I am induced to believe that the enemy would have been repulsed, notwithstanding all the disadvantages under which we fought. The artillery from Baltimore, supported by Major Pinkney's rifle battalion, and a part of Captain Doughy's from the Navy Yard, were in advance to command the pass of the bridge at Bladensburg, and played upon the enemy, as I have since learned, with very destructive effect; but the rifle troops were obliged, after some time, to retire, and, of course, the artillery. Superior numbers, however, rushed upon them, and made their retreat necessary, not, however, without great loss on the part of the enemy. Major Pinkney received a severe wound in his right arm, after he had retired to the left flank of Stansbury's brigade. The right and centre of Stansbury's brigade, consisting of Lieutenant Colonel Ragan's and Shutz's regiments, generally gave way very soon afterwards, with the exception of about forty rallied by Colonel Ragan, after having lost his horse, and a whole or a part of Captain Trower's company, both of whom General Stansbury represents to have made, even thus deserted, a gallant stand. The fall which Lieutenant Colonel Ragan received from his horse, together with his great efforts to sustain his position, rendered him unable to follow the retreat; we have therefore to lament that this gallant and excellent officer has been taken prisoner; he has, however, been paroled, and I met him here recovering from the bruises occasioned by his fall. The loss of his services at this moment is serious. The fifth Baltimore regiment, under Lieutenant Colonel Sterret, being the left of Brigadier General Stansbury's brigade, still, however, stood their ground, and, except for a moment, when part of them recoiled a few steps, remained firm, and stood until ordered to retreat with a view to prevent them from being outflanked.

The reserve under Brigadier General Smith, of the District of Columbia, with the militia of the city and Georgetown, with the regulars, and some detachments of Maryland militia, flanked on their right by Commodore Birney and his brave fellows, and Lieutenant Colonel Beall, still were to the right on the hill, and maintained the contest for some time with great effect.

It is not with me to report the conduct of Commodore Barney and his command, nor can I speak

Capture of the City of Washington.

from observation, being too remote; but the concurrent testimony of all who did observe them, does them the highest justice for their brave resistance, and the destructive effect they produced on the enemy. Commodore Barney, after having lost his horse, took post near one of his guns, and there, unfortunately, received a severe wound in the thigh, and also fell into the hands of the enemy.

Captain Miller, of Marines, was wounded in the arm, fighting bravely. From the best intelligence, there remains but little doubt that the enemy lost at least four hundred killed and wounded, and of these a very unusual portion killed. Our loss cannot, I think, be estimated at more than from thirty to forty killed, and fifty or sixty wounded.

You will readily understand that it is impossible for me to speak minutely of the merit or demerit of particular troops so little known to me from their recent and hasty assemblage. My subsequent movements, for the purpose of preserving as much of my force as possible, gaining reinforcements, and protecting this place, you already know.

I am, with very great respect, &c.

WM. H. WINDER.

Brig. Gen., 10th Military Dist.

Hon. J. ARMSTRONG, *Sec'y of War.*

P. S. We have to lament that Captain Sterret, of the 5th Baltimore regiment, has also been wounded, but is doing well; other officers, no doubt, deserve notice, but I am as yet unable to particularize.

General Order erecting the Tenth Military District, and letters from the Secretary of War to General Winder.

WAR DEPARTMENT,
Adjutant and Inspector General's Office,
July 2, 1814.

GENERAL ORDERS:

The State of Maryland, the District of Columbia, and that part of Virginia lying between the Rappahannock and Potomac rivers, will constitute a separate military district (No. 10) under the command of Brigadier General Winder.

By order:

JOHN R. BELL,
Assistant Inspector General.

WAR DEPARTMENT, July 2, 1814.

SIR: Your letters of the 30th instant have been received.

Enclosed is an order constituting a new military district, and assigning you to the command thereof. Major Stewart has permission to serve in your staff. It would be desirable to see you here as soon as it may be convenient for you to come.

I am, very respectfully, sir, your obedient servant,

JOHN ARMSTRONG.

Brig. Gen. WM. H. WINDER, *Baltimore.*

WAR DEPARTMENT, July 18, 1814.

SIR: In addition to my circular letter of the 4th instant, which subjects to your call the quota of Maryland militia, you are also authorized to draw from that of Virginia, two thousand men, and from the quota of Pennsylvania, five thousand. The whole of the militia of the District of Columbia, amounting to about two thousand, is kept in a disposable state, and subject to your orders.

Note.—The detached militia of Maryland amounted to six thousand.

I am, very respectfully, sir, your obedient servant,

JOHN ARMSTRONG.

Brig. Gen. WINDER.

WAR DEPARTMENT, July 28, 1814.

SIR: I have the honor to acknowledge the receipt of your letters of the 25th and 27th instant. Lieutenant Edwards's representation is referred to Colonel Wadsworth, with orders to supply what may be wanting at Fort Washington. Lieutenant Colonel Lavall states that he is waiting the arrival of horses. The detachment of the 10th is in march, and the recruits of the 36th and 38th ordered to join their corps. They, I fear, are very few.

I am, very respectfully, your obedient servant,

JOHN ARMSTRONG.

Brig. Gen. WINDER,

Comd'g 10th Military District.

WAR DEPARTMENT, Aug. 19, 1814.

SIR: Your letter of this date has been received, and submitted to the President. On the two first subjects, you are referred to the Navy Department. The marines are ordered to move. Orders have been given to Commodore Barney.

You will adjust, with the Secretary of the Navy, what relates to guard and vidette duty at Baltimore.

The call you propose making on volunteers is approved. It will be so worded as to guard against interfering with the legal draught, and putting it in the election of the militia to fulfil, or not to fulfil, their public engagements.

The calls you have actually made are also approved.

I am, very respectfully, your obedient servant,

JOHN ARMSTRONG.

Brig. Gen. WINDER.

WAR DEPARTMENT, Aug. 19, 1814.

SIR: If the enemy's movements indicate an attack on this place, means should be taken to drive off all horses and cattle, and remove all supplies of forage, &c., on their route; a moment is not to be lost in doing both. For this purpose the whole of your cavalry may be pushed into the neighborhood of the enemy without delay.

Colonel McLean could be usefully employed with them. Lavall will be at Montgomery

Capture of the City of Washington.

Court-house to-day. He has with him one hundred and thirty mounted dragoons, under excellent officers.

I am, very respectfully, your obedient servant,

JOHN ARMSTRONG.

Brig. Gen. WINDER.

Correspondence with the Governors of Pennsylvania, Maryland, and Virginia.

Circular to the Governors of States.

WAR DEPARTMENT, July 4, 1814.

SIR: The late pacification in Europe offers to the enemy a large disposable force, both naval and military, and with it the means of giving to the war here a character of new and increased activity and extent.

Without knowing with certainty that such will be its application, and still less that any particular point or points will become objects of attack, the President has deemed it advisable, as a measure of precaution, to strengthen ourselves on the

line of the Atlantic, and (as the principal means of doing this will be found in the militia) to invite the Executives of certain States to organize, and hold in readiness, for immediate service, a corps of ninety-three thousand five hundred men, under the laws of the 28th of February, 1795, and 18th of April, 1814.

The enclosed detail will show your Excellency what, under this requisition, will be the quota of —. As far as volunteer uniform companies can be found they will be preferred.

The expediency of regarding (as well in the designations of the militia as of their places of rendezvous) the points, the importance or exposure of which will be most likely to attract the views of the enemy, need but be suggested.

A report of the organization of your quota, when completed, and of its place or places of rendezvous, will be acceptable.

I have the honor to be, with very great respect, your Excellency's most obedient and very humble servant.

His Exc'y the GOVERNOR OF —.

Detail for Militia Service, under the requisition of July 4, 1814.

Capture of the City of Washington.

States.	Number and kind of troops.	Total number.	Number of Regiments.	GENERAL STAFF.
New Hampshire	350 artillery } 3,150 infantry }	3,500	3 regiments and one battalion	One Major General, two Brigadier Generals, one Deputy Quartermaster General, one Assistant Adjutant General.
Massachusetts	1,000 artillery } 9,000 infantry }	10,000	10 regiments	Two Major Generals, four Brigadier Generals, one Deputy Quartermaster General, three Assistant Deputy Quartermaster Generals, and two Assistant Adjutant Generals.
Rhode Island	50 artillery } 430 infantry }	500	1 battalion.	
Connecticut	300 artillery } 2,700 infantry }	3,000	3 regiments	One Major General, one Brigadier General, one Deputy Quartermaster General, one Assistant Adjutant General.
New York	1,350 artillery } 12,150 infantry }	13,500	13 regiments and one battalion	Three Major Generals, seven Brigadier Generals, one Deputy Quartermaster General, six Assistant Deputy Quartermaster Generals, and three Assistant Adjutant Generals.
New Jersey	500 artillery } 4,500 infantry }	5,000	5 regiments	One Major General, two Brigadier Generals, one Deputy Quartermaster General, one Assistant Deputy Quartermaster General, and one Assistant Adjutant General.
Pennsylvania	1,400 artillery } 12,600 infantry }	14,000	14 regiments	Three Major Generals, seven Brigadier Generals, one Deputy Quartermaster General, six Assistant Deputy Quartermaster Generals, and three Assistant Adjutant Generals.
Delaware	100 artillery } 900 infantry }	1,000	1 regiment.	
Maryland	600 artillery } 5,400 infantry }	6,000	6 regiments	One Major General, three Brigadier Generals, one Deputy Quartermaster General, one Assistant Deputy Quartermaster General, and one Assistant Adjutant General.
Virginia	1,200 artillery } 10,800 infantry }	12,000	12 regiments	Three Major Generals, six Brigadier Generals, one Deputy Quartermaster General, five Assistant Deputy Quartermaster Generals, and three Assistant Adjutant Generals.
North Carolina	700 artillery } 6,300 infantry }	7,000	7 regiments	One Major General, three Brigadier Generals, one Deputy Quartermaster General, one Assistant Deputy Quartermaster General, and one Assistant Adjutant General.
South Carolina	500 artillery } 4,500 infantry }	5,000	5 regiments	One Major General, two Brigadier Generals, one Deputy Quartermaster General, one Assistant Deputy Quartermaster General, and one Assistant Adjutant General.
Georgia	350 artillery } 3,150 infantry }	3,500	3 regiments and one battalion	One Major General, two Brigadier Generals, one Deputy Quartermaster General, one Assistant Deputy Quartermaster General, and one Assistant Adjutant General.
Kentucky	5,500 infantry	5,500	5 regiments and one battalion	One Major General, two Brigadier Generals, one Deputy Quartermaster General, one Assistant Deputy Quartermaster General, and one Assistant Adjutant General.
Tennessee	2,500 infantry	2,500	2 regiments and one battalion	One Brigadier General, one Assistant Deputy Quartermaster General, one Assistant Adjutant General.
Louisiana	1,000 infantry	1,000	1 regiment	Louisiana and Mississippi, one Brigadier General, and one Assistant Deputy Quartermaster General.
Mississippi Territory,	500 infantry	500	1 battalion	

Capture of the City of Washington.

SECRETARY'S OFFICE, *July 14, 1814.*

Sir: In the absence of the Governor, I deem it my duty to inform you, that your communication containing a requisition for a detachment of fourteen thousand Pennsylvania militia came to the office this morning, and was immediately forwarded by express to the Governor, at Selin's Grove. Be assured the requisition will be met with all the promptness the circumstances possibly will permit.

With high considerations of respect, I am, sir, your obedient servant,

N. B. BOILEAU, *Secretary.*

J. ARMSTRONG, Esq., *Sec'y of War.*

SECRETARY'S OFFICE, *July 25, 1814.*

Sir: The Governor has directed me to enclose to you copies of general orders issued by him in compliance with a late requisition for a military force from Pennsylvania, by the President, communicated by yours under date of the 4th instant. He has not, as you will perceive, designated places of rendezvous. He thinks it will be in time to do so in subsequent orders, which must be issued before the troops can march. The threatened point of attack by the enemy will, it is probable, then be better ascertained, and a more prudent selection of place can be made. The repeal of our militia law of 1807, and its several supplements, on the 1st of August next; the disannulling of all militia commissions on that day, by a new law of the last session, granted under the old law, except the commissions of such officers as may then be in actual service; the ordering by the new law; the holding of elections of officers by the militia, after the said 1st of August; the notice of election; returns to be made; and the contracting to the 4th Monday of October next, the classification of the militia; causes an almost total disorganization of our militia system, between the 1st of August and the 4th of October, and presents difficulties, in yielding perfect compliance with the requisition of the President, insurmountable. It is hoped, however, that the patriotism of the people will obviate the difficulty, by a voluntary tender of services, which the Governor has invited, growing out of the unaccountable oversight of the Legislature. It is strongly doubted whether any orders can be enforced under the present state of things.

The requisition refers to the act of Congress, passed 28th February, 1795, under which militia can be held in service three months only; and to the law of 1814, which authorized the President to keep them six months in service. The law of Pennsylvania, passed at the last session of its Legislature, requires the Governor to mention, in general orders, the period for which any militia ordered into service is to remain on duty. It is desirable, therefore, to know whether the requisition is intended for three or six months' service. The offices of Deputy Quartermaster General, and Assistants, and Assistant Adjutant Generals, are not recognised by our State laws.

I have taken the liberty of enclosing to you a

copy of the militia law of this State, passed at the last session of the Legislature, from a perusal of which you will perceive the difficulties under which the Executive at present labors, in attempting to comply with the requisition.

With high considerations of respect, sir, your obedient servant.

N. B. BOILEAU, *Secretary.*

J. ARMSTRONG, Esq., *Sec'y of War.*

SECRETARY'S OFFICE, *Aug. 27, 1814.*

Sir: I am directed by the Governor to enclose to you a copy of general orders, issued yesterday. The letter of General Winder, containing the requisition, under date of the 18th instant, was not received until the evening of the twenty-third. The deranged state of our militia system prevented a more prompt compliance with the demand. To obviate as far as practicable the inconvenience of delay, the Governor has directed the flank and volunteer companies to push on as rapidly as possible, without any regard to the time fixed on for the general rendezvous of the ordinary draughts. The commanding officers of the companies or detachments are instructed to report themselves, and the number of their men, to General Winder, as the officer who may have command of the troops in the service of the United States, in the 10th military district.

The tents, camp equipage, as well as arms and accoutrements, belonging to the State, being insufficient to accommodate the troops called into service, the Governor relies on the deficiency being supplied by the United States as promptly as practicable, to render the men comfortable and efficient.

With high respect and esteem, sir your obedient servant,

N. B. BOILEAU, *Secretary.*

J. ARMSTRONG, Esq., *Sec'y of War.*

ANNAPOLIS, *July 29, 1814.*

Sir: In conformity to the request of the President of the United States, signified in your communication of the 4th instant, a detachment of five thousand four hundred infantry, and six hundred artillery, was directed to be organized and held in readiness to march at the shortest notice, and in consequence of General Winder having, by direction of the President, requested three thousand of the draughts of the militia of this State may be called into the field, and in order to comply as fully as practicable with the request, the whole of the draughts of the militia from the Western Shore, being about three thousand five hundred infantry, have been ordered to be embodied. You will observe by the map and line drawn from Washington to Baltimore (not far east of which I presume these men will be encamped) will have a very considerable portion of the militia between that line and the bay shore; and consequently, I presume the draughts from this section of the country would not be drawn back from that part most exposed. Baltimore, I

Capture of the City of Washington.

fear, will be unwilling that any part of that force from which they expected to derive aid, should be withdrawn from them. Under these circumstances, it was thought most prudent to order the whole. They have been directed to be embodied in their several brigade districts, and move on the shortest route to Bladensburg, where, I presume, on the receipt of this information, arrangements will be made (under your directions) for their accommodation. What number will arrive there in any given time, I am not yet advised of. The whole artillery of the State does not amount to more than nine hundred; and more than two-thirds of that number are in Baltimore; consequently the proportion from thence would be more than four hundred. So great a proportion, or anything like it, being taken from what is their most efficient force, would create great uneasiness. The order, therefore, with respect to them, is suspended, until General Smith can have some communication with you.

I am, sir, with great respect, yours, &c.

LEVIN WINDER.

HON. SECRETARY OF WAR.

ADJUTANT GENERAL'S OFFICE,
RICHMOND, July 14, 1814.

SIR: Your requisition on the militia of this State, bearing date the 4th instant, has been received.

Apprehending that the object of this measure is to have in readiness a provisional force to repel a sudden invasion, I have enclosed the general orders from this department, of the 22d ultimo, placing in a state of preparation for such an event upwards of fifteen thousand men. They are not organized, other than on the plan of the militia generally; but you will perceive that the points of rendezvous are designated. In addition to this force, the 8th, and a greater part of the 9th brigade, (amounting to seven thousand, and all convenient to Norfolk,) are placed in the same situation, and directed to co-operate with General Porter in resisting an attack on Norfolk.

Arms, ammunition, &c., will be placed in the hands of the whole. Should these arrangements meet your views, it will be necessary to make a detail on all the regiments in the State for the twelve thousand called for; unless it is desirable that this number be set apart to perform a regular tour of duty. But, as the troops now in readiness are adequate to the emergency contemplated, and the requisitions for those that are to perform regular duty will be made in future in time for every preparation to be made, it is believed that the object of your requisition has been anticipated. If this is the fact, his Excellency the Governor is desirous that the regiments now held in requisition, and subject to be called out *en masse*, be considered by you as a provisional force only, and not subject to perform service beyond the continuance of the emergency which may call them into the field.

As concert in the measures of the General and State Governments is all important, permit me

earnestly to solicit your earliest attention to this subject. In the meantime, arrangements will be made to take our quota from the militia, generally, as that measure cannot be avoided, under existing circumstances, unless the force required be provisional. Rest assured, sir, that nothing will be wanting on the part of this State to co-operate cordially and effectually with the General Government.

I have the honor to be, very respectfully, your obedient servant,

CLAIBORNE W. GOOCH,
Deputy Adjutant General.

J. ARMSTRONG, Esq., *Sec'y of War.*

WAR DEPARTMENT, July 18, 1814.

SIR: A letter of the 14th instant, from Deputy Adjutant General Gooch, enclosing a copy of your general orders of the 22d ultimo, and requesting to know whether the corps put into requisition by these orders would not supply the call of the 4th instant, made through this Department on the State of Virginia, has been received and submitted to the President. In reply thereto, I am instructed to state, that, inasmuch as the service of the militia required by your Excellency is declared to be provisional, limited, in point of time, to the emergency that calls it forth, and, in point of place, to the State of Virginia, and not subjected to the direction of an officer of the United States, it cannot be considered as fulfilling the views of the President.

Permit me to take this occasion to state to your Excellency that two thousand of the quota of Virginia will be put at the disposition of General Winder, as commanding officer of this District.

I have the honor to be, your Excellency's most obedient servant.

JOHN ARMSTRONG.

HIS EXC'Y THE GOVERNOR OF VIRGINIA.

No. 7.

Narrative of General Winder.

O'NEALE'S, September 26, 1814.

SIR: The readiest mode in which I can meet the inquiries which you have made, on behalf of the committee of which you are the chairman, will be to give a narrative of my agency as commander of the 10th military district, and to accompany it with the correspondence which I have had, by letter, with the General and State Governments, and their respective officers, while in that command.

Within the few last days of June, and before it was known that my exchange was perfect, although intelligence to that effect was momentarily expected, I was at the City of Washington, and the Secretary of War informed me that it was in contemplation to create another military district, to embrace the country from the Rappahannock northward, to include the State of Maryland, and that the President intended to vest me with the command of it.

Capture of the City of Washington.

On my return to Baltimore I addressed to the Secretary of War copies of the letters herewith transmitted, marked "1 A," "2 A."

About the 4th or 5th of July, I received a letter, a copy of which, marked 1 B, accompanies this, which enclosed an order constituting the 10th military district, a copy of which is annexed to the letter above referred to.

In obedience to the requisition of the letter, I immediately went to Washington, and waited on the Secretary of War. He stated to me that, in addition to the garrisons of the several forts within my district, and the detachments of the 36th and 38th infantry, then at Benedict, it was contemplated to order a detachment of cavalry, then at Carlisle, under orders to be mounted, amounting to about one hundred and fifty, a company of the 12th, and from one or two companies of the 10th regular infantry, which would be ordered to be collected from their several recruiting rendezvous and to march to the City of Washington, and that the whole regular force, thus to be collected, might amount to one thousand or twelve hundred, and that the balance of my command would be composed of militia. That a requisition was about to be made upon certain States for upwards of ninety thousand militia, intended for the defence of the maritime frontier of the country, and showed me a blank circular which had been printed but not filled up, nor sent to the respective Governors of the States.

I took the liberty of suggesting to the Secretary of War, at that time, my idea of the propriety of calling immediately into the field at least a portion of the militia intended for my district, and encamping them in the best positions for protecting the probable points at which the enemy would strike if he should invade the district of my command. The Secretary was of opinion that the most advantageous mode of using militia was upon the spur of the occasion, and to bring them to fight as soon as called out. I returned within a day or two to Baltimore, to prepare myself for visiting the different parts of my district, and to explore it generally, and particularly those parts of it which might be considered as the approaches to the three principal points of it, to wit: Washington, Baltimore, and Annapolis.

My impressions of the necessity of having a respectable force immediately called into the field were strengthened instead of diminished by subsequent reflection, and I, in consequence, on the 9th of July, addressed the letter to the Secretary of War, a copy of which is herewith sent, marked 3 A.

Agreeably to the suggestion contained in that letter, I proceeded to Annapolis to visit the military posts there, and to be ready on the spot, when the Governor should receive the requisition, and myself such instructions as might be thought proper to be given me, to take the most immediate steps to accomplish them.

The Governor received the requisition, and immediately issued the necessary orders to have the quota required draughted.

On the 12th July, the Secretary addressed me
13th CON. 3d SESS.—51

a letter, (the copy of which is herewith marked 2 B,) but which, being directed to Baltimore, did not reach me until after I had been to Upper Marlborough and again returned to Annapolis, where it followed me. I proceeded from Annapolis to Upper Marlborough, and on the 16th addressed two letters to the Secretary of War, of which copies are sent, marked 4 A, 5 A.

The apprehension that the enemy would proceed up the Patuxent and attack the flotilla at Nottingham, in consequence of the reinforcement he had just received, gaining strength, I proceeded immediately to Nottingham, instead of going to the Woodyard, as I intended. During the 16th we received no information of a movement of the enemy up the river, but on the 17th, about 9 o'clock, Mr. Fitzhugh arrived, express from the mouth of the Patuxent, and stated that about twenty barges, several frigates, and some small armed vessels, were proceeding up the river. I, in consequence, wrote a letter to the Secretary of War, a copy of which is herewith sent, marked 6 A; and wrote a note to Brigadier General West, of the Maryland militia, advising him to call out the militia of the county.

I ordered the detachments of the 36th and 38th to hasten from the head of South river, by forced marches, to Nottingham. Three companies of the city militia were promptly despatched, in consequence of my letter of the 17th. But, by the time these latter had reached the Woodyard, and the regulars Marlborough, the enemy had entered Hunting creek, on the Calvert side of the river, had proceeded to Huntingtown, burned the tobacco warehouse, after having taken off the principal part of the tobacco, and were retiring down the river. I halted the city regulars at the Woodyard, and the regulars at Marlborough.

In answer to my letter of the 17th from Nottingham, I received the following answer from the Secretary of War, marked 3 B. As soon, therefore, as I ascertained that the enemy had retired to the mouth of the Patuxent, I proceeded to Annapolis, to make the requisition upon the Governor, as directed by the Secretary of War; and thence to Baltimore, to lend my aid and power to draw out the force authorized there.

While at Annapolis, I addressed to the Secretary of War the letter dated 20th of July, a copy of which is sent, marked 7 A, and at the same time made the requisition on the Governor, herewith sent, marked 1 C. After remaining at Baltimore a day, and leaving orders to Brigadier General Stansbury, who had been called on to command the militia to be assembled there relative to their muster and inspection, under the laws of Congress, I returned to Marlborough, to fix upon an encampment for the militia I had required from the Governor, and to be more at hand to be informed of the enemy's movements. From Upper Marlborough, on the 23d of July, I wrote the Secretary of War the accompanying letter, marked 8 A; and then proceeded to the Woodyard, from whence, on the same day, I wrote to the Secretary of War the following letter, marked 9 A.

Capture of the City of Washington.

The enemy still remaining inactive, or rather confining himself to depredations upon the lower parts of the rivers Patuxent and Potomac, I seized the opportunity of visiting Fort Washington, and on the 25th required from Lieutenant Edwards, the commanding officer, a representation of what he deemed necessary to complete the equipment of the fort, with its then works, and received from him a representation, which I enclosed in a letter to the Secretary of War on the 25th, of which copies are sent, marked 10 A. A copy of his answer, marked 4 B, is herewith sent.

Learning that some of the enemy's ships were proceeding up the Potomac, I proceeded down to Port Tobacco with a view of ascertaining more precisely his views, and of informing myself of the country; and on the 26th wrote the Secretary of War the following letter, marked 11 A.

Having ascertained the next morning that the enemy's ships had descended the river, I returned to Marlborough, and availed myself of the first opportunity I had to review and inspect the detachment of the 36th and 38th; and thence proceeded to Washington City, where I established permanent headquarters of the district, on the 1st of August. I availed myself of a day, at this time, to review and inspect the two brigades of District militia, in Alexandria and this place, and reported the result to Major General Van Ness, commanding the District militia, in the letter herewith, marked No. 1.

The people of St. Mary's and Charles's had become extremely sore under the harassing service to which they had been subjected, and the devastation and plunder which the enemy had been so long committing on their shores; and the remonstrances of Brigadier General Stewart, commanding the militia there, under the State authority, had become extremely importunate with both the Secretary of War and the President, to receive aid and protection from the General Government. The danger of throwing a force so far down into that neck of land, which exposed them to the danger of being cut off, besides that they would be lost for the defence of Washington, Baltimore, or Annapolis, had hitherto prevented me from pushing any part of my command so low down. But the President, in conversation, told me that their situation required aid, and directed me to move the detachments of the 36th and 38th down to unite with, and aid, General Stewart. I accordingly ordered Lieutenant Colonel Scott to move from Marlborough to Piscataway, and I proceeded directly down myself on the 3d. On the morning of the 4th of August I wrote the following letter from Port Tobacco, marked 13 A, to the Secretary of War, and agreeably to the intention therein expressed, proceeded twelve miles below, to General Stewart's camp. I there learned, beyond doubt, that the enemy had returned down the river; and after assuring the General of support, if they again advanced up the river, I returned back again to the City of Washington, directing Lieutenant Colonel Scott, commanding the regulars, to take

up his encampment at a very convenient place, two miles from Piscataway, on the road to the Woodyard and Marlborough.

On my arrival at Washington I found that the requisition made upon the Governor of Maryland for three thousand men, to be assembled at Bladensburg, had brought to that place only one company; but I learned that other detachments were about marching to that place, and, in order that no delay might occur in organizing and equipping them, I ordered Major Keyser, of the 38th regular infantry, to proceed to Bladensburg, to muster, inspect, and drill the detachments as they came in.

I thence proceeded to Baltimore to ascertain more precisely the effect of the requisition made on Major Smith for two thousand from his division; when arrived, I found about one thousand two hundred only assembled. I reviewed and inspected them, and gave Brigadier General Stansbury orders to endeavor by the most speedy means, to get in the delinquents and absentees.

I had just learned, by a letter from the Governor of Maryland, and also from General Smith, that, upon General Smith's application to the Secretary of War, he had determined that the two thousand men, now called to Baltimore, and which had been detached, under a requisition of the Secretary of War, directly on General Smith, of the 20th of April, were to be considered as part of the quota of Maryland, under the requisition of the 4th of July. I had drawn a different conclusion, and had so informed both the Governor and General Smith, in the visits I made to Annapolis and Baltimore, about the 20th of July, immediately after receiving the letter from the Secretary of War of the 17th of July, above exhibited. In order to supply the deficit in my calculation upon this force, I addressed the letter of the 13th of August to the Secretary of War, of which a copy, marked 14 A, is here presented; proceeded the same or the following day to Washington, by the way of Annapolis, and on the 17th, at Washington, the day following my arrival, received the letter from the Secretary of War, of which a copy, marked 5 B, is sent.

I should have stated that, two days after my return to the City of Washington, about the 6th of August, I received two letters from the Secretary of War, the one dated the 15th, the other the 17th of July, which, having been addressed to me at Baltimore, had followed me backward and forward from place to place, and unfortunately only reached me at this late period; copies of them are herewith sent, marked 6 B and 7 B.

I had, in the meantime, addressed the letter of the 6th of August to the Governor of Pennsylvania, a copy of which is sent, marked 1 D, and upon the 8th, on receiving the letter of the Secretary of War of the 15th, I wrote another letter to the Governor of Pennsylvania, of which, from haste or much occupation, I did not take a copy, or have mislaid it; it substantially, however, informed him of the number of militia I was authorized to call from him, requesting him to hasten their draughting and organization, and

Capture of the City of Washington.

to transmit a list of the officers, from brigadiers down, who would command. Should this letter be deemed material, a copy can be obtained from the Governor, and I have written to procure it.

I addressed, on the 16th, also, a similar letter to the Governor of Virginia. On the 16th or 17th of August, I received from the Secretary of State of Pennsylvania an answer, dated the 11th, of which a copy, marked 2 D, is herewith sent; and from the Adjutant General of Virginia, the answer and enclosures herewith sent, marked E.

On the morning of Thursday the 18th intelligence was received, from the observatory on Point Lookout, that, on the morning of the 17th, the enemy's fleet off that place had been reinforced by a formidable squadron of ships and vessels of various sizes.

I immediately made requisitions upon the Governors of Maryland and Pennsylvania, and to various militia officers, copies of which are herewith sent, marked as follows: to the Governor of Pennsylvania, 3 D; to the Governor of Maryland, 2 C; to Major General Smith of Baltimore, 1 F; to Brigadier General West, of Prince George's, Maryland, No. 18; to Major General Van Ness, No. 4; to Brigadier General Hungerford, Virginia, No. 14; to Brigadier General Douglas and Colonel Chilton, of Virginia, and Brigadier Generals Ringgold, Swearingen, Barrack, and Foreman, of Maryland, No. 5. Besides the letters and correspondence here referred to particularly, a mass of correspondence occurred with various persons relative to my command, and which, as far as I suppose they can have any influence on the investigation, are herewith sent.

That with the Governor of Maryland will be found in bundle C, and numbered, in addition to those already mentioned, from 3 C to 11 C, both inclusive. That with General Smith in bundle F, and that with other persons, not before referred to, with the numbers before referred to, are exhibited from No. 1 to number 53, inclusive. Much other correspondence, necessary to be carried on, and which occupied much time, took place; which, however, is not sent, as I deemed them not calculated to illustrate the inquiry, and only calculated uselessly to encumber and embarrass the inquiry. They will be furnished if thought requisite. I will state as nearly as possible the forces which were in the field under these various demands and requisitions, the time of their assembling, their condition, and subsequent movements. The returns first made when I came into command, gave me—

Fort McHenry, under the command of Major Armistead, non-commissioned officers, musicians, and privates, for duty	- - - - - 194
At Annapolis, in Forts Severn and Madison, under Lieutenant Fay	- - - - - 39
At Fort Washington, under Lieutenant Edwards	- - - - - 49
The detachments of the 36th and 38th, and a small detachment of artillery under Lieutenant Colonel Scott	- - - - - 330

612

These corps received no addition, but were gradually diminishing by the ordinary causes which always operate to this effect.

The two thousand Maryland militia, who were ordered to assemble at Baltimore, had been draughted in pursuance of a requisition made by the Secretary of War on General Smith, of the 20th of April, and, as full time had been allowed to make the draught deliberately, they were, as far as practicable, ready to come without delay; notwithstanding Brigadier General Stansbury was unable to bring to Bladensburg more than one thousand four hundred, including officers, and arrived at Bladensburg on the evening of the 22d of August.

From General Stricker's brigade in the city of Baltimore, which had been called out *en masse*, I required a regiment of infantry, the battalion of riflemen, and two companies of artillery—not deeming it practicable to reconcile the people of Baltimore to march a greater number, and leave it without any force, and being strongly persuaded that the exigency would have drawn in time a greater force from the adjacent country. The detachment from Stricker's brigade, under Colonel Sterret, arrived at Bladensburg in the night of the 23d of August, and the total amount was nine hundred and fifty-six.

The detachment which had been stationed at Annapolis, under Colonel Hood, and which had been at the moment transferred by the Governor of Maryland to my command, arrived at the bridge at Bladensburg about fifteen minutes before the enemy appeared, and I suppose was six to seven hundred strong. I have never had any return of it.

The brigade of General Smith, consisting of the militia of the District of Columbia on this side the Potomac, were called out on Thursday, the 18th of August; on Friday were assembled, and on Saturday, the 20th, they crossed the Eastern Branch bridge, and advanced about five miles towards the Woodyard. They amounted, I suppose, to about twelve hundred; a return was never had before they separated from my command, as there was not an interval of sufficient rest to have obtained one.

General Young's brigade, from Alexandria, between five and six hundred strong, crossed the Potomac, Saturday or Sunday, the 19th or 20th, and took post near Piscataway.

The call for three thousand militia, under the requisition of the 4th July, had produced only two hundred and fifty men at the moment the enemy landed at Benedict. In addition to the causes herein beforementioned, the inefficacy of this call is to be attributed to the incredulity of the people on the danger of invasion; the perplexed, broken, and harassed state of the militia in St. Mary's, Calvert, Charles, Prince George's, and a part of Ann Arundel counties, which had rendered it impossible to make the draught in some of them, or to call them from those exposed situations where they had been on duty two months, under the local calls for Maryland.

Several other small detachments of Maryland

Capture of the City of Washington.

militia, either as volunteers, or under the calls on the brigadiers, joined about the day before the action, whose numbers or commanding officers I did not know. They may have amounted to some four or five hundred.

Lieutenant Colonel Tilghman, of the Maryland cavalry, under an order of the Governor of Maryland, with about eighty dragoons, arrived at the City of Washington on the 16th of August, on his way to join General Stewart, in the lower part of Charles or St. Mary's county.

Under the permission I just then received, to accept all the militia then in the field, under the State of Maryland, I informed Colonel Tilghman that I had no doubt of the Governor's sanction, for which I had applied, and recommended him to halt here. He agreed not only to this, but, by the consent of General Stewart, who happened then to be in the city, sick, agreed to take my orders.

Lieutenant Colonel Lavall, of the United States' Light Dragoons, with a small squadron of about one hundred and twenty, who had been mounted at Carlisle the preceding Monday, arrived at Montgomery Courthouse on the evening of the 19th of August, reported himself to the War Office, and received orders to report to me. He moved on the next morning and crossed the Eastern Branch.

Captain Morgan, with a company of about eighty of the 12th United States' infantry, joined at the Long Old Fields on the evening of the 22d.

Colonel Minor, from Virginia, arrived at the city on the evening of the 23d, with about five hundred men, wholly unarmed and without equipments. Under the direction of Colonel Carbery, who had been charged with this subject, they received arms, ammunition, &c., next morning, but not until after the action at Bladensburg.

No part of the 10th had yet arrived.

There had been no Adjutant or Inspector General attached to my command from its commencement. Major Hite, Assistant Adjutant General, joined me, on the 16th of August, at Washington, and Major Smith, Assistant Inspector General, on the 19th.

This was the situation, condition, and amount of my force and command.

It will be observed that this detail is continued up to the moment of the battle of Bladensburg; but, as the time at which the different corps respectively joined is stated, it will be readily seen what troops were concerned in the different movements which will now be detailed.

The innumerable multiplied orders, letters, consultations, and demands, which crowded upon me at the moment of such an alarm, can more easily be conceived than described, and occupied me nearly day and night, from Thursday, the 18th of August, till Sunday, the 21st, and had nearly broken down myself and assistants in preparing, dispensing, and attending to them.

On Thursday evening, Colonel Monroe proposed, if I would detach a troop of cavalry with him, to proceed in the most probable direction to find the enemy and reconnoitre him. Captain

Thornton's troop, from Alexandria, was detailed on this service, and, on Friday morning, the Colonel departed with them. At this time it was supposed the enemy intended up the bay, as one of his ships was already in view from Annapolis, and his boats were sounding South river. It was Colonel Monroe's intention to have proceeded direct to Annapolis; but, before he had got without the city, he received intelligence that the enemy had proceeded up the Patuxent, and were debarking at Benedict. He, therefore, bent his course to that place. By his first letter, on Saturday, which reached the President that evening, he was unable to give any precise intelligence, except that the enemy were at Benedict in force.

On Saturday, Lieutenant Colonel Tilghman, with his squadron of dragoons, was despatched by way of the Woodyard to fall down upon the enemy, to annoy, harass, and impede their march, by every possible means, to remove or destroy forage and provision from before the enemy, and gain intelligence. Captain Caldwell, with his troop of city cavalry, was despatched with the same views towards Benedict, by Piscataway, it being wholly uncertain what route the enemy would take, if it was his intention to come to Washington.

On Sunday, I crossed the Eastern Branch, and joined Brigadier General Smith, at the Woodyard, where Lieutenant Colonel Scott, with the 36th and 38th, and Lieutenant Colonel Kramer, with the militia from Bladensburg, had arrived by previous orders. On the road to the Woodyard, I received a letter from Colonel Monroe, of which a copy is sent, marked —; and, at about eight o'clock in the evening, I received another letter from him, of which a copy is sent, marked —; and, in a very short time after, he arrived himself, and, immediately after, Colonel Beall, who had seen a body of the enemy, which he estimated at four thousand, (without supposing he had seen the whole) enter Nottingham, on Sunday evening. Colonel Monroe, being much exhausted, retired to rest. I gave Colonel Beall, on account of his experience, orders to proceed and join Colonel Hood on his march from Annapolis, and take command of the detachment. I occupied the night in writing letters and orders to various officers and persons, and, at day-light, ordered a light detachment from General Smith's brigade, under Major Peter, the regulars, under Lieutenant Colonel Scott, and Lavall's cavalry, to proceed immediately towards Nottingham, to meet the enemy.

I proceeded immediately in advance myself, accompanied by Colonel Monroe and the gentlemen of my staff. I had learned that Colonel Tilghman with his cavalry on the advance of the enemy had fallen back upon Marlborough the evening before, and had during the night sent him an order to proceed upon the road from Marlborough to Nottingham, and meet me at the Chapel. Having got considerably in advance of Lieutenant Colonel Scott's and Major Peter's detachments, and also to obtain intelligence, I

Capture of the City of Washington.

halted at Mr. Oden's, within half a mile of the junction of the roads from Marlborough and the Woodyard to Nottingham, directing Lavall to gain the Marlborough road, post himself at the Chapel, and push forward patrols upon all the roads towards Nottingham. In less than half an hour, and before the detachments of Scott and Peter had come up, intelligence was brought that the enemy was moving from Nottingham in force towards the Chapel. I immediately proceeded, with the gentlemen who were with me, to gain an observation of the enemy, and came within view of the enemy's advance about two miles below the Chapel. The observation was continued until the enemy reached the Chapel, and Scott and Peter being then near two miles distant from that point, and it being therefore impossible for them to reach the junction of the Marlborough and Woodyard road before the enemy, I sent orders for them to post themselves in the most advantageous position, and wait for me with the body of the cavalry. I turned into the road to the Woodyard and detached a small party under Adjutant General Hite on the Marlborough road to watch the enemy's movements on that road and give information. Upon arriving at Oden's, himself or some other person of the neighborhood whom I knew, and on whom I could rely, informed me that there was a more direct road, but not so much frequented, leading from Nottingham to the Woodyard, and joining that on which I then was, two miles nearer to the Woodyard.

A doubt at that time was not entertained by anybody of the intention of the enemy to proceed direct to Washington, and the advantage of dividing their force and proceeding on two roads running so near each other to the same point was so obvious, that I gave orders to Scott and Peter to retire, and occupy the first eligible position between the junction of that road and the one we were on and the Woodyard; despatched a patrol of cavalry to observe that road and give the earliest notice of the advance of the enemy upon it. I still continued the observation of the enemy myself, and he turned a part of his column into the road to the Woodyard, and penetrated a skirt of wood which hid the junction of the Marlborough and Woodyard road from view, and there halted it within a quarter of a mile of Oden's house. I hesitated for some time whether to attribute his delay to a view which he may have had of Scott's and Peter's detachment, or to a design to conceal his movement towards Marlborough, the road to that place being concealed by woods from any point of observation which could be gained.

It appeared afterwards that his whole force halted here for an hour or upwards, and thus continued in an uncertainty as to his intended route. I had in the meantime rode back and assisted Peter and Scott to post their detachments in a favorable position, from whence I entertained a hope to have given the enemy a serious check, without much risk to this detachment. Orders had been previously sent to General Smith to post his whole detachment in conjunction with Com-

modore Barney, who had by this time joined him from Marlborough, with about four hundred sailors and marines, and had taken also command of the marines, under Captain Miller, who had arrived from the city the night before. I presumed, from the appearance of his force, it was about one hundred or one hundred and twenty. As soon as I had satisfied myself as to the position and disposition of Scott's and Peter's detachments, I advanced again towards the enemy to ascertain his situation and intentions. It had now become certain that he had taken the road to Marlborough; and Colonel Monroe crossed over to that place, to join Lieutenant Colonel Tilghman, and observe his movements.

I sent an order immediately to Scott and Peter, to retire back to General Smith, and the latter to take post at the points where the roads from Washington City and the Woodyard, to Marlborough, unite. This order was incorrectly delivered, or misunderstood, and he took post, instead, at the point where the roads from the Woodyard and Marlborough, to the City of Washington, unite. The mistake, however, produced no inconvenience, but, on the contrary, was perhaps better than the position to which I had directed; because it threw my forces more between Marlborough and Bladensburg, and also in command of the road by which the enemy did finally advance, which the other position would not have done. Its inconvenience was, that it left open the road to Fort Washington, and rendered General Young's junction, if it should become proper to advance him, hazardous on the road. It further became necessary to retire still further back, and the only position where the troops could be tolerably accommodated, or posted to advantage, was at Dunlap's, or, as it is generally called, the Long, or the Battalion Old Fields.

General Smith was therefore ordered to retire to that point, with the whole of the troops, except the cavalry. Lieutenant Colonel Tilghman and Captain Herbert were charged with hovering upon the enemy on all the roads leading from Bladensburg, from the North, and from Annapolis to Marlborough. With Lavall's cavalry, I advanced to the nearest and most convenient positions between the Woodyard and Marlborough, and found the enemy quietly halted at Marlborough. Tilghman's cavalry picked up one or two prisoners, who had straggled beyond the enemy's pickets, and my examination of them confirmed me that the enemy did not contemplate leaving Marlborough that day.

After remaining near Marlborough, in observation, till towards the latter part of the afternoon, I returned to General Smith, where I arrived towards the close of the day. About dark I learned that the President and Heads of Departments had arrived at a house about a mile in the rear of the camp. I detached a captain's guard to his quarters; advanced the cavalry of Lavall on the roads towards Marlborough, with orders to patrol as close upon the enemy as possible during the course of the night; and after having waded through the infinite applications, consulta-

Capture of the City of Washington.

tions, and calls, necessarily arising from a body of two thousand five hundred men, not three days from their homes, without organization, or any practical knowledge of service on the part of their officers, and being obliged to listen to the officious but well intended information and advice of the crowd, who, at such a time, would be full of both, I lay down to snatch a moment of rest.

A causeless alarm from one of the sentinels placed the whole force under arms about three o'clock in the morning. A short time after sunrise, I rode over to the quarters of the President, to inform him and the Secretary of War of the state of things. Upon my return, rumors prevailed that the enemy had taken the road to Queen Ann, which was directly leading to Annapolis. I could not, however, suppose that Lieutenant Colonel Tilghman and Captain Herbert would fail to advise me if the fact were so. The rumor, however, gained ground; and just at this time, Mr. Luffborough, of this city, with some fifteen or twenty mounted men, offered himself ready to perform any duties on which I could employ them. I immediately despatched him to ascertain the truth of this report, by penetrating to that road, and also to obtain whatever information he could relative to the enemy. About twelve o'clock he sent me decisive information that the enemy were not on the Annapolis road.

I received constant intelligence that the enemy still remained in Marlborough; and, therefore, felt no doubt that, if he intended to take the road to Annapolis, any movement upon that road was only an advance party for observation, and preparatory to a general movement; and as the morning advanced, and the information brought still confirmed the impression that the enemy intended no movement from Upper Marlborough, I resolved to endeavor to concentrate the force (which I hoped had now considerably accumulated within my reach) down upon the enemy's lines near Marlborough.

I accordingly ordered a light detachment to be sent forward by General Smith, under Major Peter, and having also learned by Major Wood-year, of General Stansbury's staff, that he had arrived the evening before at Bladensburg, I sent orders to him to advance toward Marlborough, and to take post at the point where the Old Fields to Queen Ann crosses the road from Bladensburg to Marlborough, which brought him within four miles of the Old Fields, and within from six to eight of the enemy. I was anxiously waiting to hear of Lieutenant Colonel Beall's progress with the detachment for Annapolis, and of Lieutenant Colonel Sterret's from Baltimore.

The President and Heads of Department had been upon the field since about eight o'clock. I communicated my views and intentions, as above detailed, and informed them that I proposed myself to pass over the road from Bladensburg to Marlborough to meet General Stansbury; to make closer observations upon the road direct from the enemy to Bladensburg, and to establish more thoroughly a concert between Stansbury and Smith's command; to be also nearer to Beall, to give him

also a direction towards the enemy on the road leading into Marlborough from the North, if my intelligence should continue to justify it, and to draw down Lieutenant Colonel Sterret, with his force, as soon as I should ascertain where it was. I accordingly, with a troop of Lavall's cavalry, proceeded about twelve o'clock: upon arriving at the Bladensburg road I halted, and pushed a patrol of cavalry down towards Marlborough.

In a few minutes after, three of Captain Herbert's troop, who were observing down the same road, arrived with two prisoners, who they had just seized in a very bold and dexterous manner. The information of these prisoners confirmed the impression that the enemy did not intend to move from Marlborough that day; and as it was now one o'clock, I felt little doubt of it. After remaining some time for intelligence from the United States' dragoons that I had sent down with orders to press down as closely as possible upon the enemy, a slight firing was heard in the direction of the enemy, which I concluded was from the enemy's picket upon this party. A few moments confirmed this conjecture, by the return of a dragoon with this intelligence. A more considerable firing was then however heard, which I concluded to be a skirmishing by Peter's detachment with the enemy, put upon the alert and advance by the firing at the dragoons.

The firing soon after ceased, and after having sent for the purpose of ascertaining the fact, with directions to follow with intelligence on towards Bladensburg, in which direction I proceeded with the expectation of meeting General Stansbury, and with the intention to halt him until my intelligence should decide my further proceedings.

I had proceeded within four or five miles of Bladensburg without meeting General Stansbury, when I was overtaken by Major McKenney, a volunteer aid with General Smith, who informed me that Peter had skirmished with the advancing enemy, who had driven him back on General Smith, and that the enemy had halted within three miles of the Old Fields; that, agreeably to my directions upon the probability of an attack, General Smith had sent off the baggage across the Eastern Branch; and that himself and Commodore Barney had drawn up the forces ready to receive the enemy, should he advance. On my way towards Bladensburg I had left orders with Lieutenant Colonel Tilghman's cavalry to continue their observation on the Bladensburg and Marlborough roads, and, in case the enemy should move on that road, to give General Stansbury immediate notice, and fall back on him. In proceeding to the Old Fields, I met Lieutenant Colonel Tilghman himself, and renewed these directions. Captain Herbert was also between General Stansbury and the enemy, with the same instructions.

When Major McKenney gave me the intelligence of the advance of the enemy, I despatched an aid to General Stansbury, with directions to him to fall back and take the best position in advance of Bladensburg, and unite Lieutenant Colonel Sterret, with him should he arrive at Bla-

Capture of the City of Washington.

densburg, as I expected, that evening; and should he be attacked, to resist as long as possible; and if obliged to retire, to retreat towards the city.

I reached the Old Fields about five o'clock in the afternoon, and found General Smith and Commodore Barney had judiciously posted their men in expectation of the enemy, and were expecting his approach. The head of the enemy's column was about three miles from our position, and five miles from Marlborough. He must have reached that point by or before one o'clock, and his halt there at that period of the day, so short a distance from Marlborough, and apparently only drawn out by my parties pressing upon him, and at the point from whence he could take the road to Bladensburg, to the Eastern Branch bridge, or Fort Washington, indifferently, or it might be to cover his march upon Annapolis; to which place he had strong temptations to proceed. His force was very imperfectly known, the opinions and representations varying from four to twelve thousand: the better opinion fixed it from five to seven thousand. If he supposed his force insufficient to proceed to Washington, and further reinforcements were expected, which all information concurred to state, the natural conclusion was, that he would seek some place where he could in security refresh his men, and place them in comfortable quarters, near a convenient port for his ships, and whence, upon receiving reinforcements, he would be ready to act against the important points of the country. Having, therefore, already accomplished one great object of the expedition—the destruction of Commodore Barney's flotilla—if he was not in a condition to proceed further into the country, Annapolis offered him a place in all respects such as he would desire. It brought him to a fine port, where his ships could lie in safety; it afforded abundant and comfortable quarters for his men; magazines and store-houses for all his stores and munitions of every description; was capable, with very little labor, of being rendered impregnable by land, and commanded the water; it was the nearest point of debarkation to the City of Washington, without entering a narrow river, liable to great uncertainty in its navigation from adverse winds; and was at hand to Baltimore; equally threatening those two great points, and rendering it absolutely necessary to keep a force doubly sufficient to resist—one for the protection of Washington, the other for Baltimore. The squadron which was ascending the Potomac, and had now passed the Kettle Bottoms, the only obstruction in the navigation of the river, might be only a feint, the more effectually to conceal their intentions against Annapolis; or, what was more probable, was intended to unite with the land force, and co-operate in a joint attack on Washington. It was, therefore, strongly believed, that the land force was destined to proceed and take Fort Washington in the rear, where it was wholly defenceless, while it was capable of offering a very formidable resistance to the ascent of ships up the river, and, imperfect as it was, perhaps capable of repulsing them altogether. And it was therefore that I

sent to General Young, when the force under General Smith fell back to the Old Fields, to take a position so as to protect Fort Washington, and avoid being taken in the rear by the enemy.

If the object of the enemy was to proceed direct to Washington, the road by Bladensburg offered fewer obstructions than that over the Eastern Branch bridge, although it was six miles further; and yet, if I had retired toward Bladensburg, I should have been removed so much further from annoying or impeding the enemy if he proceeded to Fort Washington; and I should have left the road to Washington City, by the Eastern Branch bridge, open to him, which, although I had, as I supposed, left a secure arrangement for its destruction, yet the importance of leaving that bridge as long as possible, on account of its great value to us, and the danger that, in the multitude of business which was accumulated on every person during such alarm, confusion, and disorder, arising at such a moment, with such raw, undisciplined, inexperienced, and unknown officers and men, rendered it hazardous to trust this direct and important pass unguarded.

It was under all these circumstances, that, after waiting for the enemy at Old Fields till sundown, that I determined to retire over the Eastern Branch bridge, in which Commodore Barney concurred, and his force with mine proceeded accordingly.

My reasons for not remaining at the Old Fields during the night was, if an attack should be made in the night, our own superiority, which lay in artillery, was lost, and the inexperience of the troops would subject them to certain, infallible, and irremediable disorder, and probably destruction, and thereby occasion the loss of a full half of the force which I could hope to oppose, under more favorable circumstances, to the enemy.

The reasons for retiring by the Eastern Branch bridge, were, the absolute security it gave to that pass, the greater facility of joining General Young, and aiding in the protection of Fort Washington, the greater facility of pursuing the enemy should he recede and proceed to Annapolis, and the certainty that I could draw General Stansbury and Lieutenant Colonel Sterret to me if the enemy advanced too rapidly for me to advance and unite to support them.

Under the harassing and perplexing embarrassments, arising from having a mass of men suddenly assembled, without organization, discipline, or officers of any, the least, knowledge of service, except in the case of Major Peter, or, if possessing it, unknown to me as such, and the wearied and exhausted state in which incessant application and exertion, for nearly five uninterrupted days and nights, had left me, these views offered themselves to my mind, and determined me to fall back, on Tuesday evening, to the bridge, instead of Bladensburg. Since the event has passed, and if a movement to Bladensburg, had it been made, would not have induced the enemy to pursue another course, it is easy to determine that a retreat to Bladensburg might have been better; but those who undertake to pass a

Capture of the City of Washington.

judgment, should place themselves back to the moment and situation I was in when I formed the resolution, and it will be very difficult to find it an error; or if one, it is of that sort which is supported, when viewed in perspective, by stronger reasons than those which oppose it; and is only found to be an error by the experience which so often confounds all reason and calculation.

Upon arriving at the bridge, about eight o'clock, I directed General Smith to halt his men in the most convenient position near the bridge, on this side; and I passed over and rode directly to the President's, and informed him of the then state of things. I had expected that I should probably have found the Secretary of War and other Heads of Departments there, but they had respectively retired to their homes. I returned to the bridge, leaving at McKeowin's hotel the borrowed horse on which I rode. Both those I had with me being exhausted and worn down, and as I knew no one who had a horse in a different situation, I proceeded on foot to the camp. General Smith was not at the moment there. I proceeded on to the bridge, where I found about thirty men with axes, for the purpose of cutting the bridge down, and no other preparation for destroying it made. I proceeded again to the camp; detached a party of volunteers to burn the upper bridge at once; detached a party of regular infantry across the bridge, in advance toward the enemy about half a mile, to prevent him from seizing it by surprise, and posted Burch's artillery to command the pass of the bridge on this side. I learned at the bridge that some persons from the Navy Yard had been to the bridge to take some steps for destroying it, and knowing that this was the nearest, and the only place, indeed, from whence I could draw the powder, boats, and combustibles, for the purpose of rendering its destruction sure at any moment, I proceeded, accompanied by Major Cox, of Georgetown, to ascertain what preparations had been made. I arrived there about twelve or one o'clock, saw Colonel Wharton, who referred me to Commodore Tingey, to whom I then proceeded and roused him from bed. He informed me that several casks of powder were ready in boats to be sent from the Navy Yard to blow up the bridge when necessary. I begged him to increase the quantity of powder, to furnish a quantity of combustibles also to be laid upon the bridge, that its destruction, when necessary, in one way or other, might be put beyond doubt. Commodore Tingey undertook to have what I requested provided, and sent without delay to the bridge. I returned to the bridge to see that the different detachments which I had stationed there were upon the alert, and understood the objects for which they were detached. And I thence returned to the camp, between three and four o'clock, much exhausted, and considerably hurt in the right arm and ankle from a severe fall which I had into a gulley or ditch on my way to the Navy Yard. I snatched about an hour or two of sleep, rose, and proceeded to gather my attend-

ants and horses, much exhausted and worn down by the incessant action of the three preceding days, and proceeded to establish my headquarters at a house near the bridge.

My patrols and videttes not having yet brought me any intelligence of a movement of the enemy, and being still doubtful whether he might not move upon Annapolis, Fort Warburton, or toward the bridge, rather than Bladensburg, I held the position near the bridge as that which, under all circumstances, would enable me best to act against the enemy in any alternative. I learned about this time, with considerable mortification, that General Stansbury, from misunderstanding or some other cause, instead of holding a position during the night in advance of Bladensburg, had taken one about a mile in its rear; and that his men, from a causeless alarm, had been under arms the greater part of the night, and moved once or twice, and that he was at that moment on his march into the city. I instantly sent him an order to resume his position at Bladensburg; to post himself to the best advantage; make the utmost resistance, and rely upon my supporting him if the enemy should move upon that road. I had, at a very early hour in the morning, detached Captain Graham, with his troop of Virginia cavalry, to proceed, by Bladensburg, down upon the road toward the enemy, and insure, by that means, timely notice to General Stansbury and myself, should the enemy turn that way. With this addition to the cavalry already on those roads, it became impossible for the enemy to take any steps unobserved. Additional cavalry patrols and videttes were also detached upon all the roads across the bridge, to insure the certainty of intelligence, let the enemy move as he might.

Colonel Minor had also arrived in the city the evening before, with five or six hundred militia from Virginia, but they were without arms, accoutrements, or ammunition. I urged him to hasten his equipment, which I learn was delayed by some difficulty in finding Colonel Carbery, charged with that business; and he had not received his arms, &c., when, about 10 o'clock, I received intelligence that the enemy had turned the head of his column towards Bladensburg. Commodore Barney had, upon my suggestion, posted his artillery to command the bridge early in the morning.

As soon as I learned the enemy were moving towards Bladensburg, I ordered General Smith, with the whole of the troops, to move immediately to that point.

The necessary detention arising from orders to issue, interrogations, and applications to be answered from all points being past, I proceeded on to Bladensburg, leaving the President and some of the Heads of Departments at my quarters, where they had been for an hour or more. I arrived at the bridge at Bladensburg about twelve o'clock, where I found Lieutenant Colonel Beall had at that moment passed with his command, having just arrived from Annapolis. I had passed the line of Stansbury's brigade, formed in the field upon the left of the road, at about a quarter

Capture of the City of Washington.

of a mile in the rear of the bridge; and on the road, a short distance in the rear of Stansbury's line, I met several gentlemen, and, among the others, I think Mr. Francis Key, of Georgetown, who informed me that he had thought that the troops coming from the city could be most advantageously posted on the right and left of the road near that point. General Smith being present, Mr. Key undertook, I believe, being sent for that purpose, to show the positions proposed. I left General Smith to make a disposition of these troops, and proceeded to the bridge, where I found Lieutenant Colonel Beall as before stated.* I inquired whether he had any directions as to his position; he replied, he had been shown a high hill upon the right of the road, ranging with the proposed second line. It being a commanding position, and necessary to be occupied by some corps, I directed him to proceed agreeably to the instructions he had received. I then rode up to a battery which had been thrown up to command the street which entered Bladensburg from the side of the enemy and the bridge, where I found the Baltimore artillery posted, with the Baltimore riflemen to support them. Upon inquiry, I learned that General Stansbury was on a rising ground upon the left of his line. I rode immediately thither, and found him and Colonel Monroe together. The latter gentleman informed me that he had been aiding General Stansbury to post his line, and wished me to proceed to examine it with them, to see how far I approved of it. We were just proceeding with this view, when some person rode up and stated that news had just been received of a signal victory obtained by General Izard over the enemy, in which one thousand of the enemy were slain and many prisoners taken. I ordered the news to be immediately communicated to the troops, for the purpose of giving additional impulse to their spirits and courage. The column of the enemy at this moment appeared in view, about a mile distant, moving up the Eastern Branch, parallel to our position. From the left, where I was, I perceived that, if the position of the advanced artillery were forced, that two or three pieces on the left of Stansbury would be necessary to scour an orchard which lay between his line and his artillery, and for another rifle company to increase the support of this artillery. These were promptly sent forward by General Smith, and posted as hastily as possible; and it was barely accomplished before I was obliged to give orders to the advanced artillery to open upon the enemy, who was descending the street toward the bridge. All further examination or move-

ment was now impossible, and the position where I then was, immediately in rear of the left of Stansbury's line, being the most advanced position from which I could have any commanding view, I remained there. The fire of our advanced artillery occasioned the enemy, who were advancing, and who were light troops, to leave the street, and they crept down, under the cover of houses and trees, in loose order, so as not to expose them to risk from the shot; it was, therefore, only occasionally that an object presented at which the artillery could fire.

In this sort of suspension the enemy began to throw his rockets, and his light troops began to accumulate down in the lower parts of the town, and near the bridge, but principally covered from view by the houses. Their light troops, however, soon began to issue out and press across the creek, which was everywhere fordable, and in most places lined with bushes and trees, which were sufficient, however, to conceal the movements of light troops, who act in the manner of theirs, singly. The advanced riflemen now began to fire, and continued it for a half a dozen rounds, when I observed them to run back to the skirts of the orchard on the left, where they became visible, the boughs of the orchard trees concealing their original position, as also that of the artillery, from view. A retreat of twenty or thirty yards from their original position toward the left brought them in view on the edge of the orchard; they halted there, and seemed for a moment returning to their position, but in a few minutes entirely broke, and retired to the left of Stansbury's line. I immediately ordered the fifth Baltimore regiment, Lieutenant Colonel Sterret, being the left of Stansbury's line, to advance and sustain the artillery. They promptly commenced this movement, but the rockets, which had for the first three or four passed very high above the heads of the line, now received a more horizontal direction, and passed very close above the heads of Shutz's and Ragan's regiments, composing the centre and left of Stansbury's line. A universal flight of these two regiments was the consequence. This leaving the right of the fifth wholly unsupported, I ordered it to halt; rode swiftly across the field toward those who had so shamefully fled, and exerted my voice to the utmost to arrest them. They halted, began to collect, and seemed to be returning to their places. An ill-founded reliance that their officers would succeed in rallying them, when I had thus succeeded in stopping the greatest part of them, induced me immediately to return to the fifth, the situation of which was likely to become very critical, and that position gave me the best command of view. To my astonishment and mortification, however, when I had regained my position, I found the whole of these regiments (except a few of Ragan's, not more than forty, rallied by himself, and as many perhaps of Shutz's rallied, I learn by Captain Shower and Captain ———, whose name I do not recollect) were flying in the utmost precipitation and disorder.

The advanced artillery had immediately fol-

* Since writing the above I have seen General Smith, who informs me that Mr. Key had been examining the grounds with him, and that it was his views that Mr. Key had been stating. He came up at the moment Mr. Key had given me the information. I have been under the impression, till thus corrected, that it was the suggestion of Colonel Monroe and General Stansbury that had suggested that position. This circumstance is immaterial, except for the purpose of literal accuracy when necessary.

Capture of the City of Washington.

lowed the riflemen, and retired by the left of the fifth. I directed them to take post on a rising ground which I pointed out in the rear. The fifth, and the artillery on its left, still remained, and I hoped that their fire, notwithstanding the obstruction of the boughs of the orchard, which, being below, covered the enemy, would have been enabled to scour this approach and prevent his advance. The enemy's light troops, by single men, showed themselves on the lower edge of the left of the orchard, and received the fire of this artillery and the fifth, which made them draw back. The cover to them was, however, so complete, that they were enabled to advance singly, and take positions from which their fire annoyed the fifth considerably, without either that regiment or the artillery being able to return the fire with any probability of effect. In this situation I had actually given an order to the fifth and artillery to retire up to the hill, toward a wood more to the left and a little in the rear, for the purpose of drawing them further from the orchard, and out of reach of the enemy's fire, while he was sheltered by the orchard. An aversion, however, to retire before the necessity became stronger, and the hope that the enemy would issue in a body from the left of the orchard, and enable us to act upon him on terms of equality, and a fear that a movement of retreat might, in raw troops, produce some confusion and lose us this chance, induced me instantly to countermand the order, and direct the artillery to fire into a wooden barn on the lower end of the orchard, behind which I supposed the enemy might be sheltered in considerable numbers. The fire of the enemy now began, however, to annoy the fifth still more in wounding several of them, and a strong column of the enemy having passed up the road as high as the right of the fifth, and beginning to deploy into the field to take them in flank, I directed the artillery to retire to the hill, to which I had directed the Baltimore artillery to proceed and halt, and ordered the fifth regiment also to retire. This corps, which had heretofore acted so firmly, evinced the usual incapacity of raw troops to make orderly movements in the face of the enemy, and their retreat in a very few moments became a flight of absolute and total disorder.

The direct line of retreat to the whole of this first line, being to the hill on which I had directed the artillery to halt, and immediately in connexion with the positions of General Smith's corps, which were not arrayed in line, but posted on advantageous positions in connexion with and supporting each other, according as the nature of the ground admitted and required, I had not for a moment, dispersed and disordered as was the whole of Stansbury's command, supposed that their retreat would have taken a different direction. But it soon became apparent that the whole mass were throwing themselves off to the right on the retreat toward Montgomery Court-house, and flying wide of this point; the whole of the avairy, probably from the pressure of the infantry that way, were also thrown wide of the line of retreat toward the right. After making every

effort to turn the current more towards General Smith's command and the city, in vain, and finding that it was impossible to collect any force to support the artillery which I had directed to halt, and finding also that the enemy's light troops were extending themselves in that direction, and pressing the pursuit, I directed the artillery to continue their retreat, on the road they then were, toward the Capitol, it being impossible for them to get across to the turnpike road, or unite with General Smith's brigade.

The hope of again forming the first line at this point, and there renewing the retreat, or, at all events, of being able to rally them between the Capitol and that point, and renewing the contest, induced me, at the moment I directed the fifth regiment to retreat, to request Mr. Riggs, of Georgetown, to proceed to the President and inform him that we had been driven back, but that it was my hope and intention to form and renew the contest between that place and the Capitol.

As soon as I found it vain longer to endeavor to turn the tide of retreat toward the left, I turned toward the position occupied by Lieutenant Colonel Beall, Commodore Barney, and General Smith. By this time the enemy had advanced up the road, had driven back Lieutenant Colonel Kramer's command, posted on the right of the road, and in advance of Commodore Barney, after having well maintained his position and much hurt the enemy, and also continued to fire during his retreat. He had come under the destructive fire of Commodore Barney, which had turned him up the hill towards Lieutenant Colonel Beall, whose detachment gave one or two ineffective fires and fled. Their position was known to me, was very conspicuous, and the extreme right. The enemy, therefore, had gained this commanding position, and was passing our right flank; his force pursuing on the left, had also advanced to a line with our left, and there was nothing there to oppose him. To preserve Smith's command from being pressed in front by fresh troops of the enemy, who were coming on at the same time, while they were under the certainty of being assailed on both flanks and rear by the enemy, who respectively gained them, in which circumstances their destruction or surrender would have been inevitable, I sent (my horse being unable to move with the rapidity I wished) to General Smith to retreat. I am not acquainted with the relative position of the different corps composing his command, and cannot therefore determine who of them engaged the enemy, nor could I see how they acted; but when I arrived in succession at his different corps, which I did as soon as practicable, I do not recollect to have found any of them that were not in order, and retreating with as little confusion as could have been expected. When I reached the road I found Commodore Barney's men also retiring on the road, he having been overpowered by those who drove off Beall's regiment, about the time I sent the order to retreat.

I still had no doubt but that Stansbury's command, and the cavalry, would have fallen down upon the Capitol, by the roads which enter that

Capture of the City of Washington.

part of the city from the North, and still solaced myself with the persuasion that I should be able there to rally them, upon the city and Georgetown troops, who were retiring in order, and make another effort in advance of the Capitol to repulse the enemy.

After accompanying the retreating army within two miles of the Capitol, I rode forward for the purpose of selecting a position, and endeavoring to collect those whom I supposed, from the rapidity of their flight, might have reached that point. A half a mile in advance of the Capitol I met Colonel Minor with his detachment, and directed him to form his men, wait until the retreating army passed, and protect them if necessary.

When I arrived at the Capitol I found not a man had passed that way; and, notwithstanding the commanding view which is there afforded to the North, I could see no appearance of the troops. I despatched an order to call in the cavalry to me there.

In a few moments the Secretary of State and the Secretary of War joined me, besides that they had been witnesses to the dispersion of the troops and the exhaustion of those just halted by me. I stated the diminution of my force, and the extent of the positions which rendered it impossible to place the force I then had in such a position as to prevent the enemy from taking me on the flank as well as front, and that no reasonable hope could be entertained, that we had any troops who could be relied on to make a resistance as desperate as necessary, in an isolated building which could not be supported by a sufficiency of troops without; indeed it would have taken nearly the whole of the troops to have sufficiently filled the two wings, which would have left the enemy masters of every other part of the city, and given him the opportunity, without risk, in twenty-four hours, to have starved them into a surrender. The same objection equally applied to the occupation of any particular part of the city.

Both these gentlemen concurred that it would subject the whole of my force to certain capture or destruction; and in its reduced and exhausted condition it was wise and proper to retire through Georgetown, and take post in the rear of it, on the heights, to collect my force. I accordingly pursued this course, and halted at Tenleytown, two miles north of Georgetown, on the Frederick road. Here was evinced one of the great defects of all undisciplined and unorganized troops; no effort could rouse the men to the exertion necessary to place themselves in such a state of comfort and security as is attainable, even under very disadvantageous circumstances. Such of them as could be halted, instead of making those efforts, gave themselves up to the uncontrolled feelings which fatigue, exhaustion, and privation produced, and many hundreds, in spite of all precautions and efforts, passed on and pursued their way, either towards home or in search of refreshments and quarters. After waiting in this position until I supposed I collected all the force that could be gathered, I proceeded about five miles further on

the river road, which leads a little wide to the left of Montgomery Court-house, and in the morning gave orders for the whole to assemble at Montgomery Court-house.

This position promised us shelter from the rain that began to fall an hour before day; was the most probable place for the supply of provisions, which the troops very much needed; and was a position from which we could best interpose between the enemy and Baltimore, and to which place, at that time, nobody doubted he intended to go by land from Washington.

In pursuance of this view, among the first acts after my arrival at Montgomery Court-house, was, to direct a letter to General Stricker, who commanded at Baltimore, informing him that it was my intention to gather my force together there, receive what reinforcements I could, show myself to the enemy as strong as possible, hang on his flank, should he move to Baltimore, intimidate and harass him as much as possible in his movements, and endeavor always to preserve the power of interposing between him and Baltimore; directing him to re-establish the dispersed command of Lieutenant Colonel Sterret, multiplying his means as much as possible, stop all reinforcements of militia from Maryland, Pennsylvania, or elsewhere, and present himself to the enemy at the crossing of the Patapsco, in as imposing a form as possible.

This letter I sent by Captain Aisquith, whom I found at Montgomery, with fifteen or twenty others, the only part of the Baltimore detachment which had not returned home.

The first object was, in the absence of quartermaster and contractor, to make efforts to provide quarters and refreshments for my men; a few provisions were found there, belonging to the contractor, and a person temporarily appointed to issue, and the most active men of the place called upon and authorized to get in provisions.

The next object was to obtain a return of the different corps, which, from causes that can easily be understood, among undisciplined men and unskilful officers, proved abortive before we moved next day. The arrival of several detachments of reinforcements, the reports of officers bringing on detachments who wanted orders and instructions, and the multiplied complaints and wants of men and officers, crowded together in small quarters, or entirely out of doors in a rainy, tempestuous day; the calculations and arrangements necessary for ulterior operations, and to meet the demands and wants of the great force which my calls were likely to produce, may be supposed to have been as much as could be borne by the attention and efforts of one man, which he was obliged to encounter, for the want of a skilful, or even organized staff of any kind.

No regular details for service of any kind could be performed, and all the duties of this description were necessarily performed by the voluntary zeal of those corps who could not be borne down or discouraged by difficulties. My efforts were devoted to endeavor to prepare the detachment to move down toward the city, and hang upon and

Capture of the City of Washington.

strike at the enemy whenever an opportunity occurred. The next morning, however, before a return of the corps could be had, and their situation known, I received intelligence that the enemy had moved from Washington the preceding night, and was in full march for Baltimore. I instantly put my command under arms, multiplied and strengthened my patrols to gain intelligence, and advanced as rapidly as was practicable to Baltimore. When the forces arrived at Snell's bridge, on the upper branch of the Patuxent, I had concluded that, if the enemy was, as we had had still reason to believe, proceeding to Baltimore, that it would be most advisable for me to proceed directly thither, to lend the whole force of my power, as commander of the district, to call out and bring into activity the resources of the place, and also because it was likely to become the most important station of the command. I accordingly left the command with General Stansbury, senior brigadier, and proceeded that night to Baltimore. On the road I met an express from Major General S. Smith, who delivered me a letter, in which he informed me he had been called out into service, and had assumed the command, according to his rank; and by the time I reached Baltimore, I also learned that the enemy was proceeding to Marlborough, and not toward Baltimore.

If I had had longer time, or to repeat the action of Bladensburg, I could correct several errors which might materially have affected the issue of that battle. The advanced force ought to have been nearer to the creek along the edge of the low ground, where they would have been skirted with bushes, and have avoided the inconvenience of the cover which the orchard afforded the enemy. The edge of the low grounds on the right of the road ought to have been lined with musketry, and a battery of cannon also planted in the field, on the right of the road, directly fronting the bridge; and if Commodore Barney's heavy artillery, with his more expert artillerists, had occupied the position which the advanced artillerists did, and these posts been obstinately defended, the enemy would not have crossed the river at that point, but would have been obliged to make a circuit round to his right, and have crossed above, and at the upper end of the town; or, if the whole force had been posted at the position of the second line, with all the advantage which it afforded, and have acted with tolerable firmness and courage, the event might have been different; but no advantage of position is proof against groundless panic and a total want of discipline, skill, and experience.

On the night of my retreat to the city, I sent Assistant Adjutant General Hite down to General Young, to inform him of the movement, and to direct him to take the best position to secure Fort Washington, and his junction with me; or, in case the enemy should interpose between him and me, to have his boats ready to transport his men across the river; or, if he could not do that, to fall down the river, and unite with General Stewart, and harass the enemy in the rear; and, above all, to be alert, and keep a vigilant guard upon

every avenue of approach, to prevent a surprise. I also sent, by Major Hite, directions to the commanding officer of Fort Washington, to advance a guard up to the main road, upon all the roads leading to the fort; and, in the event of his being taken in the rear of the fort by the enemy, to blow up the fort, and retire across the river.

The distance of General Young, and the necessity of retaining a position near the fort as long as the designs of the enemy remained uncertain, rendered it impossible to have the assistance of his force at Bladensburg.

There was not a bridge on the road which the enemy pursued, from his debarkation to Washington, the destruction of which would have retarded his advance ten minutes. I believe, in fact, that the bridge at Bladensburg is the only one, and the facility with which that stream is everywhere fordable above the bridge rendered useless the destroying it. Indeed, I believe that, had artillery been posted as advantageously as it might have been, and well served, the bridge would have acted as a decoy to the enemy to lead him into danger, and have been useful to us.

Those who have that happy intrepidity of assurance in their own capacity to see with certainty, in all cases, the means by which they could have avoided the errors of others, and by which past calamities might always have been averted, will find my condemnation easy. Those who are disposed to measure difficulties by the limits of human capacity, and who will impartially place themselves in my situation, will find it difficult to decide that any errors have been committed which might not have been equalled or surpassed by any other commander, or that the calamities which have followed could have been averted or mitigated.

This narrative is accompanied by a map, with explanations, which will facilitate the understanding of it.

No. 8.

Reports of Generals Stansbury, Smith, Young, Douglas, and Hungerford; Colonels Sterret, Minor, Taylor, Levall, and Beall; Major Pinkney, and Captains Burch and Caldwell.

General Stansbury's Report.

BALTIMORE, November 15, 1814.

By general orders from the War Department, of the 20th April, 1814, Major General S. Smith was directed to draught from his division, and hold in readiness to march at a moment's warning, two thousand men, officers included.

By Major General Smith's division orders, of the 29th of April, I was directed to furnish, by draught, from my brigade, as its quota, one thousand of this requisition, and hold them in readiness to march, at a moment's warning, to Baltimore, for its defence. The first of May those orders were complied with, agreeably to a detail accompanying said orders.

On the 18th of July, Major General Smith issued division orders, requiring the quota from my brigade, the 11th, and from the 2d and 9th, to

Capture of the City of Washington.

march, and rendezvous at Baltimore. My orders were issued on the 19th; the troops began to assemble on the 24th, and were encamped about one and a half miles northward of the city, at a place called Camp Fairfield.

On the 21st of July, by Major General Smith. I was directed to take charge of this brigade, and commenced preparing for their reception. Early in August, General Winder, being vested with the command of the tenth military district, superseded General Smith in the command.

On Saturday, August the 20th, about one o'clock P. M., I received, by express, letter No. 1, directing me to move down with my whole force for Washington.

By this morning's regimental reports, the force of my brigade, then in camp, appeared as follows:

The first regiment, under Lieutenant Colonel Ragan, officers included, 550; second regiment, under Colonel Shutz, officers also included, fit for duty, 803.

I immediately issued orders for wagons to be procured, provisions served out, tents struck, and everything prepared to march that evening. But the difficulty of obtaining wagons to transport tents and camp equipage prevented my moving more than part of the brigade this evening. The residue followed on the morning of the 21st. The advance party encamped at the Stag Tavern; the rear three miles short of it, on the evening of the 21st.

About ten o'clock P. M. I received from General Winder, by express, letter No. 2, dated the 21st directing me to halt until further orders.

August 22, at ten o'clock A. M. received from General Winder letter No. 3, dated at the Wood-yard, the 21st, ten o'clock P. M., directing me to advance with all speed to Bladensburg. In consequence thereof, the line of march was taken up immediately, and at seven P. M. we arrived at Bladensburg. The first regiment encamped on the hill southeast, the second, on the northeast of the town; and, on Tuesday morning, the 23d, joined the first regiment on Lowndes' Hill, near Bladensburg. About ten o'clock A. M. received from General Winder letter No. 4, dated at Headquarters, Battalion Old Fields, August 22, containing orders to march my brigade (with the troops under Colonel Sterret, if they had joined me) slowly towards Marlborough, and take a position on the road not far from that place, and that he would join me some time that day.

The troops under the command of Lieutenant Colonel Sterret had not joined me, nor was I certain at what time they would arrive. The brigade was instantly put in motion, and the march commenced towards Marlborough, with a view of complying with General Winder's orders. I immediately despatched my aid-de-camp, Major Woodyear, to General Winder, to communicate all the information which he might require as to my force; to receive particular orders as to the position I should take in the vicinity of Marlborough; and to obtain a knowledge of the country, and of the situation of the enemy. After proceeding about one mile on the road to Marlbo-

rough, I met Captain Moses Tabbs riding express to inform me that the enemy, with their whole force, had left Marlborough, and were on their march toward me, distant about six miles. This information made me determine to avail myself of the high grounds I occupied in the morning, to which I immediately returned, and made the necessary preparations to receive the enemy. I directed Captain Tabbs to return and reconnoitre the enemy, and give me every information. About four o'clock P. M. he returned, and informed me that the enemy, on leaving Marlborough, had taken a different route. Soon after, my aid-de-camp, Major Woodyear, returned from General Winder, and informed me that the intelligence I had received of the movements of the enemy were, in part, incorrect, and that General Winder wished me to encamp on the direct road from Bladensburg to Marlborough, at about seven miles distant from the latter place. The Assistant Adjutant General, Major Hite, accompanied Major Woodyear. By letter No. 4, I was first informed that Lieutenant Colonel Sterret's detachment, consisting of the fifth regiment, about five hundred strong; Major Pinkney's rifle battalion, about one hundred and fifty; and Captain Myers's and Magruder's companies of artillery, about one hundred and fifty, were attached to my command. These troops had not joined me, but were on their march. I despatched an express with this letter to Lieutenant Colonel Sterret, as soon as received, requesting him to move on with all possible expedition.

About sunset, on the 23d, he arrived with his command, and encamped near my brigade. The fatigued situation of his troops induced me to halt for the night, on the hill near Bladensburg, with the intention of moving towards Marlborough at reveille, on the 24th. At about eight o'clock P. M. a militia captain, who resided near Bladensburg, came into camp attended by one of my sentinels, and informed me he was from General Winder's camp, at the Battalion Old Fields; that General Winder was not in camp when he left it; and that it was apprehended he had been taken prisoner; as he had gone out to reconnoitre the enemy, and had not returned: that a detachment from the army had skirmished that day with the British; and that Brigadier General Smith, of the District of Columbia, had taken the command of the army, and would certainly join me in the course of the night. At about eleven o'clock P. M., the Secretary of State, Colonel Monroe, with several gentlemen, came to my tent; and, as well as I recollect, Colonel Monroe observed that he was from Washington; that he had been at, or heard from, the camp of General Winder; that there was an alarming silence with respect to General Winder, who had gone out to reconnoitre the enemy, and had not been heard of; and it was feared he was taken: that General Smith had, by persuasion, taken the command; and that they would move towards, and join him before morning, he expected, from the Battalion Old Fields; and advised vigilance to prevent surprise. Soon after the departure of Colonel Monroe, the advance pickets, on the road by which we expect-

Capture of the City of Washington.

ed the enemy, and which was the direct one from Marlborough, fired; and, in a few moments, my whole command was under arms, and prepared for action. The cavalry, under Colonel Tilghman, who had come into town a little after dark for refreshments, were ordered down the Marlborough road, except Captain Herbert, with his troop, who was directed to push down the road, toward the Battalion Old Fields, until he should fall in with General Winder's army, which I was confident would join me that night.

The troops were under arms until after two o'clock A. M. of the 24th, when, being advised by the cavalry that the enemy were not near, I ordered them to retire to their tents, but to be ready to turn out at a moment's warning; and strong pickets guards were placed on the road in every direction. Supposing my right and rear covered by General Winder's force, I felt no apprehensions of surprise there; and no expectation that the enemy, without first beating General Winder, could approach me, either by the Battalion or river road. But, about half after two o'clock A. M., Major Bates, Assistant Adjutant General of militia, came to me from Washington, with a message from General Winder, informing me that General Winder had retreated from the Battalion Old Fields into the City of Washington, across the bridge; which he had ordered to be burnt; and that the General expected I would resist the enemy as long as possible, should he move against me in that direction. Thus was my expectation of security from the Battalion and river roads cut off, my right flank and rear uncovered, and liable to be attacked and turned, without the possibility of securing it, in the position I then lay.

I instantly sent for Lieutenant Colonel Sterret, of the 5th, Major Pinkney, of the rifle corps, and Lieutenant Colonel Ragan. Lieutenant Colonel Shutz being present, officers in whom I placed the highest confidence, and stated to them the information and orders I had just received from General Winder, and our situation with respect to the enemy; they were unanimous in opinion that our situation on that hill could not be defended with the force then under my command, worn down with hunger and fatigue as they were, and that it was indispensably necessary, for the security of the army, that we should immediately retire across the bridge of Bladensburg, and take a position on the road between Bladensburg and the city, which we could defend. Colonel Tilghman of the cavalry observed he thought we had no time to lose. In this opinion I perfectly coincided. Orders were instantly given to strike tents, and prepare to march, and in about thirty minutes, without noise or confusion, the whole were in motion, and, about half past three o'clock in the morning, passed the bridge at Bladensburg leading to the City of Washington. Securing our rear from surprise, we halted in the road until the approach of day, with a view of finding some place where water could be had, in order that the men might cook their provisions, and refresh themselves for a few moments. The provisions

consisted of salt beef of an inferior quality, the flour old and musty. At daylight, I moved on to the foot of a hill near a brickyard, and there ordered the troops to refresh themselves. This was about one and a half miles from Bladensburg.

Early in the morning, I had despatched Major Woodyear to Washington, to inform General Winder of my movements and situation; of the exhausted state of the troops, and the impracticability of their meeting the enemy, in their present fatigued state, with any prospect of success, unless reinforced. I rode to the top of the hill to examine the country. On my descending it again, a note was presented to me, by an express from General Winder, dated at Washington, (written I presume without a knowledge of my movements,) directing me to oppose the enemy, as long as I could, should he attempt a passage by the way of Bladensburg. This note I have mislaid.

I called a council of war, consisting of Lieutenant Colonels Sterret and Ragan, and Major Pinkney. I laid the letter before them. Colonel Sterret observed, that he marched from Baltimore with a determination to defend the city; that his men, the day before, by a forced march from the Buck tavern, or Snowden's, reached Bladensburg without halting to cook; that they had been under arms nearly the whole of the night, without any sleep or food; that Major Pinkney's riflemen, and the two companies of artillery, were in the same situation; and that they were so completely worn down and exhausted, that he should consider it a sacrifice of both officers and men, to seek the enemy at any considerable distance from General Winder's force, as no good could result therefrom. Major Pinkney and Colonel Ragan expressed themselves to the same effect; and, with Colonel Sterret, urged the propriety of moving further on the road towards the city, with a view of taking a stand on some more favorable ground for defence, with a better prospect of being joined by the forces under General Winder; and expressed their willingness to give their opinions in writing. I could not but admit the correctness of their views, and ordered the wagons to move on slowly towards the city; intending to follow on with the troops.

At this moment, Major Woodyear returned from Washington, with positive orders from General Winder to give the enemy battle at Bladensburg, should he move that way, and that he would join me if necessary.

I immediately ordered the troops to retrace their steps to Bladensburg, determined to maintain, if possible, the ground, at all hazards.

On arriving in the orchard near the mill, I directed the artillery to post themselves behind a small breastwork of dirt, that lately had been thrown up by Colonel Wadsworth. This battery commanded the pass into Bladensburg and the bridge southwesterly of the town. Our artillery consisted of six six-pounders; Major Pinkney's battalion of riflemen on their right, under cover of the town and bushes, also commanding the pass by the bridge; two companies from Lieutenant Colonel Shutz's regiment, under the com-

Capture of the City of Washington.

mand of Captains Ducker and Gorsuch, acting as riflemen, although principally armed with muskets, on the left of the artillery, near and protected by the barn, intended to defend the road leading by the mill on the left of the battery into the field; Colonel Sterret's regiment was halted in the orchard, on the right and in the rear, and the regiments of Colonels Ragan and Shutz were also halted in the orchard in the rear, and on the left flank near the creek. My intentions were, that they should remain here to refresh themselves as long as possible, and as soon as the enemy appeared, to form Colonel Sterret's regiment (in whom I placed great confidence) on the right, their left resting on and supporting the right of Major Pinkney's riflemen, in view of the bridge, and fronting the road, along which ran a fence, and act as occasion should require. Colonels Ragan's and Shutz's regiments were to be drawn up in echelon, their right resting on the left of Captains Ducker's and Gorsuch's rifle companies, in order to prevent the enemy from pressing and turning our left, hoping that General Winder would join me before the battle would commence, and occupy the ground in my rear, as a second line.

About eleven o'clock, A. M., I was informed by a dragoon from Lieutenant Colonel Beall, that he was on the road from Annapolis to Bladensburg, with about eight hundred men, distant from me about five miles, and wished to know the distance and situation of the enemy. I directed the dragoon to return and inform him that I had that moment received information that the British, with their whole force, were approaching Bladensburg by the river road, and that they were only three and a half miles distant; and advised the Colonel to file off to his right, and cross above Bladensburg, to fall into an old road, which I understood led to our left towards Washington; and take a position on the high grounds, north and northwest of Bladensburg, which would completely protect my left by preventing the enemy from out-flanking us that way, and force their main body across the bridge, in the face of my artillery and riflemen on the main road, and expose them to the fire of the fifth regiment, under Colonel Sterret, who would be protected by the fence.

This advice it appeared Colonel Beall only took in part, I presume from an anxious wish to place himself between the enemy and the city. He sent his baggage off to the right, and with his troops passed the bridge at Bladensburg, about thirty minutes before the enemy appeared on Mr. Lowndes' hill, and took his station on the hill, as I was informed, near the brick kiln where we halted in the morning, about one and a half miles in my rear, and on the left of the road leading to the city. About meridian the enemy could clearly be seen making towards us by the river road.

While I was giving some directions to the artillery, I found Lieutenant Colonels Ragan's and Shutz's regiments had been moved from the place where I had stationed them, and marched out of

the orchard up the hill, and formed in order of battle about two hundred and fifty yards above the orchard, and upwards of five hundred yards in the rear of the artillery and riflemen. Thus uncovered by the trees of the orchard, their situation and numbers were clearly seen by the enemy from Lowndes' hill, and the flanks of the artillery and riflemen unprotected, and laid liable to be turned, our main body being placed too far off to render them any aid. On riding up the hill to know who had ordered this movement, I was informed that General Winder was on the ground. At this time I met with Brigadier General Smith, of the District of Columbia, and some conversation took place between us respecting the order of battle and seniority; the particulars I do not recollect. I immediately rode to the mill, where I understood General Winder was, and found him reconnoitering the position of the enemy. While in conversation with him, the fifth regiment was taken out of the orchard, marched up the hill, and stationed on the left of Colonel Shutz's regiment, that of Colonel Ragan's being on the right, its right resting on the main road; but, as I before observed, the whole at so great a distance from the artillery and riflemen, that they had to contend with the whole British force, and so much exposed, that it has been a cause of astonishment they preserved their ground so long, and ultimately succeeded in retreating. Whose plan this was, I know not; it was not mine; nor did it meet with my approbation; but finding a superior officer on the ground, I concluded he had ordered it, consequently did not interfere. General Winder asked me where I meant to take my station? I answered, about the centre of my brigade. He said he would take his on the left of the fifth regiment. General Winder was extremely active in giving directions and in encouraging the men. I took my station in the centre of Colonels Ragan's and Shutz's regiments, but occasionally rode along the line, encouraging the men, and giving orders to the officers. Major Woodyear I directed to keep with the left of Colonel Shutz's regiment, to cheer up the men, and assist the officers. Major Randall rode with me. Soon after, the action commenced by the artillery and riflemen at the battery. The fire of the artillery had great effect, and evidently produced confusion in the ranks of the enemy, who took shelter behind a warehouse, from whence they fired rockets; but a few well directed shots drove them from this position. A flanking party, concealed by the banks and bushes, pushed up the river to turn our left, whilst a strong force attempted the bridge; but the incessant and well directed fire from our artillery and riflemen at the battery occasioned evident confusion amongst their ranks, so much so, that their officers could be seen actively engaged preventing their retreating, and pushing them on to the bridge; and here I think the enemy suffered considerably. At length they succeeded in passing the bridge in small parties, at full speed, which formed after crossing. I had ordered forty horsemen with axes, to cut away this bridge before the near approach of the enemy, and saw them with their axes.

Capture of the City of Washington.

Why this order was not executed, I never could learn. It is certain the enemy could have forded the stream above; but I considered it would, in some degree, impede their progress, and give our artillery and riflemen more time and opportunity to act with effect against them.

The artillery under the command of Captain Myer and Magruder, and the riflemen, the whole under the command of Major Pinkney, behaved in the most gallant manner; (this gallant officer in the course of the action was severely wounded) but the superior force of the enemy, and the rapidity with which he moved, compelled them to retire; but one of the pieces was lost, and this was rendered harmless before it was abandoned.

The enemy took every advantage of the cover afforded them by the trees of the orchard, and their light troops from thence kept up a galling fire on our line. On this party, when advanced nearer, the fifth regiment, under Colonel Sterret, opened a steady and well directed fire, which was followed by the fire from the right, and ultimately from our centre, when the firing on both sides became general. After a few rounds, the troops on the right began to break. I rode along the line, and gave orders to the officers to cut down those who attempted to fly, and suffer no man to leave the lines. On arriving at the left of the centre regiment, I found Lieutenant Colonel Shutz's and Ragan's regiments fled in disorder, notwithstanding the extraordinary exertions of their officers to prevent it. On the left, I soon after discovered a part of the fifth regiment giving way, and that excellent officer Lieutenant Colonel Sterret, with those under him, most actively engaged forming them again. Soon after, the retreat became general, and all attempts to rally them, and make a second stand, were fruitless. With a body of United States' cavalry, I endeavored to protect the rear and right of the retreating men, so as to prevent their falling into the enemy's possession.

The men under my command were worn down and nearly exhausted from long and forced marches, want of food, and watching. They had been, with very little intermission, under arms and marching from the time of their departure from Baltimore, with but little sleep, bad provisions, and but little opportunity to cook. They certainly were not in a situation to go into battle; but my orders were positive, and I was determined to obey them.

Before and during the action, I did not see any of the force I was led to expect would support me. I understood since, they were on their way to my assistance, and I presume exertions were made to bring them up.

Before and during the retreat, I heard the thunder of Commodore Barney's artillery; but till then I did not know he was near. I believe there were few if any other troops in the field when the action commenced, than the three regiments of infantry, under Lieutenant Colonels Sterret, Ragan, and Shutz, Major Pinkney's battalion of riflemen, Captains Myer's and Magruder's companies of artillery, amounting to about

two thousand one hundred and fifty, exclusive of two regiments of cavalry, who did not act.

General Winder, on the field of battle, displayed all possible zeal, activity, and personal bravery, in encouraging the men to fight, and after they broke, in his exertions to rally them.

I saw the President and some of the Heads of Departments in the field, but did not perceive that any of them took any part in the arrangement made for battle. Colonel Monroe, the then Secretary of State, appeared extremely active in his efforts to aid the officers in the discharge of their duties, and exposed himself to much danger.

To my aid-de-camp, Major Edward G. Wood-year, and my acting Brigade Major, Major Beall Randall, I am much indebted for their unremitting exertions in encouraging the men before and during the action, and the zeal displayed by them in their attempts to keep the ranks unbroken, and to rally the men, in which they in some degree succeeded; for the company of Captain Gallaway, and part of Shower's and Randall's were rallied, and were among the last troops who left the field, and did not retreat until directed; some of them were killed, and several severely wounded.

On arriving at the city, with part of Colonel Lavall's United States' cavalry covering the retreat, and collecting the rear of our scattered troops, I found General Winder's command had passed through it towards Georgetown. I proceeded there, and then followed to a village a few miles beyond it, where I overtook him with troops collecting under his command, and some of those of my brigade. The army thence proceeded to Montgomery Courthouse on the 25th of August, where it was hourly reinforced by those who fled from the field.

As there had been no place assigned by the Commanding General, previous to the action, to which the men should retreat in case of a defeat, many of those under my immediate command had fled from the field towards Baltimore.

On the 25th I directed my aid, Major Wood-year, to push on from Montgomery Courthouse to that place, organize the draughted men, and bring them on to any point that General Winder should direct.

On Friday, August 26th, at about 10 o'clock A. M., we took up the line of march from Montgomery Courthouse, on the road leading to Baltimore, with the United States' infantry, under Lieutenant Colonel Scott; Major Peter's corps of artillery; General Smith's brigade of District troops; the regiment of militia from Annapolis and Ann Arundel county, commanded by Lieutenant Colonels Beall and Hood; some riflemen from Frederick, Alleghany, and other places; a large body of cavalry, and part of my brigade of draughted militia—a force respectable as to numbers and appearance—and that night encamped about half way between Montgomery Courthouse and Ellicott's upper mills. General Winder having received some information respecting the enemy, indicating intentions of moving against Baltimore, concluded his presence there was in-

Capture of the City of Washington.

dispensable. He set out for that place, leaving me in command of the army, with directions to follow him in the morning. Colonel Monroe was with us.

During this night several expresses arrived from the City of Washington, by whom I was informed of the retreat of the enemy, said to be in such haste and confusion that many of their soldiers were straggling about in every direction; that the main army, after reaching Bladensburg, had taken the road to Marlborough, leaving their wounded. I ordered the cavalry to follow them, harass their rear, and pick up the stragglers. Reports from Georgetown and the city reached me, that the arms of many of the enemy had fallen into the hands of the blacks, and it was apprehended that they would take advantage of the absence of the men to insult the females, and complete the work of destruction commenced by the enemy; and at the earnest solicitation of Brigadier General Smith and Major Peter, who expressed much anxiety respecting their families, and considering it all important to prevent further injury to the city, I ordered the troops of the District of Columbia to move thither for its protection.

Having ascertained that the enemy had retreated to their shipping, I ordered the Prince George's troops down to Bladensburg, and those under the command of Lieutenant Colonels Beall and Hood to remain encamped on the ground then occupied, until they had orders from General Winder; and in the morning of the 27th, with the United States' infantry, my brigade, and part of Colonel Lavall's cavalry, marched for Baltimore in a very heavy rain. On my arrival there in the evening, I waited on General Winder, and detailed to him what I had done since he left me, with which he appeared well pleased.

Before I conclude, I must observe that Major Pinkney, with most of his battalion, and part of the two companies of artillery, retired from their advanced position to the left of the fifth regiment, and with that regiment continued to behave with that gallantry which had distinguished them in the onset, and only retired when pressed by superior numbers, and then, as I am informed, by orders from the Commanding General.

TOBIAS E. STANSBURY.

Hon. R. M. JOHNSON, *Chairman, &c.*

General W. Smith's Statement.

CAMP, WASHINGTON, October 6, 1814.

SIR: In compliance with the request contained in your favor of the 28th ultimo, enclosing a copy of a resolution of the honorable the House of Representatives of the United States, appointing a committee to investigate the causes which led to the success of the enemy, in his late enterprise against this city, I have the honor respectfully to submit, for the consideration of the committee, the following detailed report, as connected with the inquiry, and embracing, as you wish, a view of the numbers, the movements, the conduct, and

disposition of the troops of Washington and Georgetown, under my command, from the period they were called into service, until the 24th of August, the disastrous day of battle at Bladensburg, together with such facts and circumstances relative to the subject as present themselves.

Late at night on the 18th August, I received orders to call out the whole of the brigade under my command, to rendezvous on the evening of the following day on the banks of the Tiber, in Washington, and to report to General Winder. The troops assembled according to orders, but being deficient in many essential supplies for actual service, were, after an inspection, dismissed until the ensuing morning, the 20th, when every exertion on the part of the officers being made to perfect their equipment, they moved off from the Capitol about 3 P. M., crossed the Eastern Branch, and halted four miles therefrom, on the road leading to Nottingham. They were here overtaken by the baggage, when it was ascertained there was a great deficiency of necessary camp equipment, the public stores being exhausted; many of the troops were compelled to lay out in the open field; and of the essential article of flints, upon a requisition of one thousand, only two hundred could be had. Means were immediately adopted to supply the latter defect from private resources; the former was never accomplished. On the following morning, the 21st, the militia companies deficient in numbers were consolidated, and the supernumerary officers detached to bring up delinquents. The force on the ground amounted to about one thousand and seventy, comprised into two regiments, commanded by Colonels Magruder and Brent, and consisting of the following description of troops: two companies of artillery, twelve six pounders, and two hundred and ten men; two companies of riflemen, nominally, but armed with muskets, the Secretary of War having declined or refused to furnish rifles, one hundred and seventy men; one company of grenadiers, forty men; and five companies of light infantry, about two hundred and fifty men, in all about six hundred and seventy of volunteers, the residue common militia. Having here done all that could be done for the organization of the troops, and to enable them to move with celerity, they were, according to previous orders from General Winder, put in motion, and after a hot and fatiguing march, encamped that evening after dusk near the Woodyard. At this place I found the United States' 36th regiment, Lieutenant Colonel Scott, about three hundred and fifty strong, and a squadron of cavalry, under the command of Lieutenant Colonel Tilghman; the latter soon after moved off to reconnoitre on the different roads between the Woodyard, Marlborough, and Nottingham. While the troops were occupying the ground, I received a message from General Winder, then at the Woodyard, requesting an interview at his quarters; after which I returned to camp at 9 o'clock, and again, at his request, joined him at 12, where Colonel Monroe soon after arrived with the intelligence of the ar-

Capture of the City of Washington.

rival at Nottingham, (distant about twelve miles) of the enemy, in considerable force, both by land and water. I received orders immediately to return to camp and hold the troops in readiness to march at the shortest notice, and was instructed by General Winder to direct Lieutenant Colonel Scott, of the 36th United States' regiment, to get his men immediately under arms, and to march according to orders previously given him. I reached the camp about two o'clock, A. M.; the troops were roused, the tents struck, the baggage wagons loaded, and the men got immediately under arms, and so remained until sunrise the 22d, when General Winder arrived and directed an advanced corps to be formed and march immediately, to consist of about three hundred men, artillerymen and infantry. This was promptly done, and placed under the direction of Major Peter, consisting of his own artillery, Captain Davidson's light infantry, and Captain Stull's rifle corps, armed with muskets. They moved immediately on the road to Nottingham, and were soon after followed by the main body to support them. Major Peter with the advance corps moved on for four or five miles, when he fell in with Colonel Lavall's cavalry, a part of Colonel Tilghman's, and the 36th United States' regiment, retiring. The troops were halted, and a position taken to repel the enemy, now rapidly approaching. General Winder here joined our troops, and soon after, orders were given to fall back, which was done. The main body had meanwhile arrived at a position within two miles of the advance, where they found the marine corps, under the command of Captain Miller, with five pieces of heavy artillery, judiciously posted.

This position not being deemed favorable for the infantry, they were directed to rest on their arms, whilst I rode briskly forward to discover one more adapted to them; but none presented, except for light troops, a body of which was thrown in advance into the woods, and the residue of the troops disposed of to act according to circumstances. Here we received advice, about 11 o'clock, of the advance of the enemy and of the retiring of our troops, and immediately after, orders from General Winder to send off the baggage from where it had been left in the morning, to the "Long Old Fields," and for the troops to retire slowly upon the same road. About this time, successive heavy explosions from the direction of Marlborough, announced the destruction of Commodore Barney's flotilla, which was known to be in that vicinity, and also that this course would be adopted, should the enemy approach in such force, by land and water, as to render the resistance unavailing. It was hence inferred, that the enemy had ascended the Patuxent in force, that a column of troops had co-operated, by taking the road in that direction, which was soon afterwards confirmed; and with the advices subsequently, that the whole of their army had filed off on that road, and taken possession of Marlborough. Our troops halted, and assembled at the fork of the roads, on this side of the Woodyard, one of which leads to Marlborough, the other to this place.

We here fell in with Commodore Barney and his sailors, and after a short rest the whole moved on, and about 4 P. M. arrived at the Long Old Fields. Here, pursuant to directions from General Winder, I assumed the command of the assembled forces, those of Commodore Barney excepted, consisting now of the following troops, viz: District volunteers and militia, one thousand and seventy; Lieutenant Colonel Scott's 36th United States' regiment, three hundred and fifty; Lieutenant Colonel Kramer's battalion of draughted militia, two hundred and forty; and Major Waring's battalion of Prince George's militia, about one hundred and fifty; total about eighteen hundred men. An encampment was formed for the night, and such positions taken as were best calculated to resist a night attack; the cavalry being already stationed in advance, in the different roads leading to Marlborough, with orders to keep patrolling parties constantly upon the enemy's quarters, and to advise of all his movements. The troops being greatly fatigued, sought in sleep that repose they so much wanted; in this they were disappointed: an alarm gun aroused them about 2 o'clock in the morning of the 23d; they were quickly formed in front of their encampment, and dispositions made to meet and repel the expected attack, but in a short time it was ascertained to be a false alarm, and the troops were dismissed, but with orders to hold themselves ready for their posts at a moment's warning. At daylight General Winder gave orders to have the tents struck, and the baggage wagons loaded, and that the whole should be ready to move in one hour. Those orders were complied with, with all possible expedition. Shortly after, the troops were got under arms, and were joined by another small detachment of Prince George's militia, under the command of Major Maynard, about one hundred and fifty. The whole were held ready to move according to orders. About this time I received directions from General Winder to have formed an advance corps, constructed as the one of the preceding day, and to be prepared to move as his subsequent orders should designate. Peter's, Davidson's, and Stull's companies were again selected for this purpose, and formed accordingly. The President of the United States, accompanied by the Secretary of War, and others of his Cabinet, now came upon the ground and reviewed the troops. About 10 o'clock, General Winder left the camp, accompanied by, and having under his command or direction, several troops of cavalry, intending to reconnoitre on the road leading from Marlborough to Bladensburg, as well as to be situated in a position where he might more conveniently communicate with the troops expected from Baltimore, leaving directions that I should report to him at the Cross Roads, it being the intersection of a road, proceeding from the Old Fields, and crossing the before mentioned road, about five miles distant. His orders were, that the advance troops should move forward in the direction of Marlborough, reconnoitre the enemy, approach him as near as possible, without running too much risk, and to annoy him, either in his position or in his movements,

Capture of the City of Washington.

by all the means in their power, and that I should remain with the main body at the Old Fields, and act according to the intelligence I should receive of the movements of the enemy. If they moved upon Bladensburg, by the road before mentioned, that I should approach them by the intersecting road from the Old Fields, and attack their left flank, or, if upon the road we now occupied, that we should make the best possible dispositions in our power, and receive him there, unless circumstances imperiously forbade; otherwise, to retire by a road in our rear to Bladensburg or to Washington, as, at the time, should seem most advisable. In conformity with this arrangement, Major Peter, with the advance corps, and with Capt. Caldwell's cavalry, which had joined us, marched about 11 o'clock. About a quarter of a mile in front of our then camp, the road forks, both leading to Marlborough, one, on the main stage road, by which the distance was about eight miles, the other turning to the left, a more direct route, but not so good a road, about six miles. This last mentioned road was taken by our advancing troops. The commander was instructed to report every hour. The residue of our troops were dismissed to refresh. From this period until 2 o'clock, several deserters and prisoners were brought into camp, and I was engaged in examining them, when intelligence was received from Major Peter that the enemy had left Marlborough, and were advancing rapidly upon the road which we then occupied, in great force; that, according to his estimation of their column, and the best information he could obtain, their force was not less than six thousand men; that he had had a skirmish with them, in which they had endeavored to outflank him; and that he was then retiring before them. A part of Colonel Lavall's cavalry having then joined us, were immediately detached to cover the retreat, and the whole of our troops ordered under arms. Conferred with Commodore Barney on the subject, I proposed making a stand in our then position, with which, with his characteristic gallantry, he promptly acquiesced, professing his willingness to co-operate in any measures that might be deemed most advisable. The troops were immediately formed in order of battle, extending nearly a quarter of a mile on each side of the road; those of Commodore Barney, with his heavy artillery, the marines under Captain Miller, and the 36th United States' regiment, being posted on the right of the road; the District troops, and the residue of those attached to them, on the left—our advanced troops, as they arrived, taking their stations in the line, and the artillery, in which it was ascertained we were greatly their superior, and for which the ground was admirably adapted, so posted, as to have the best effect; indeed, so strong did we deem our position in front, that we were apprehensive that the enemy, upon viewing us, would forbear to assail us by daylight, or that, availing of his numbers, he would endeavor to outflank us. To guard against this last, parties of light troops and cavalry were detached to cover both flanks. We remained thus, two or three hours,

calmly awaiting the approach of the enemy, our videttes successfully announcing his continued progress. About 5 P. M., General Winder, who had been apprized of the approach of the enemy arrived in camp. He examined the different positions, and approved of them, but the day being now nearly spent, and it being ascertained that the enemy had not arrived within a distance in which he would now, probably, be able to make his attack, while it lasted, and it being deemed unadvisable to receive a night attack there, when our advantage of artillery would be unavailing, he gave the orders to retire about sunset, and the whole of the troops, much wearied and exhausted, encamped, late in the night, within this city.

Thus terminated the four days of service of the troops of this District, preceding the affair at Bladensburg. They had been under arms, with but little intermission, the whole of the time, both night and day; had traversed, during their different marches in advance and retreat, a considerable tract of country, exposed to the burning heat of a sultry sun by day, and many of them to the cold dews of the night, uncovered. They had, in this period, drawn but two rations, the requisition therefor, in the first instance, having been but partially complied with, and it being afterwards almost impossible to procure the means of transportation, the wagons employed by our quartermaster for that purpose being constantly impressed by the Government agents, for the purpose of removing the public records, when the enemy's approach was known, and some of them thus seized while proceeding to take in provisions for the army.

Those hardships and privations could not but be severely distressing to men, the greater part of whom possessed, and enjoyed at home the means of comfortable living, and from their usual habits and pursuits in life but ill qualified to endure them. They, however, submitted without murmuring, evincing by their patience, their zeal, and the promptitude with which they obeyed every order, a magnanimity highly honorable to their character. Great as was their merit in this respect, it was no less so in the spirit manifested whenever an order was given to march to meet the foe; and, at the "Long Old Fields," where his attack was momentarily expected in overwhelming force, they displayed, in presence of many spectators, although scarce any of them had ever been in action, a firmness, a resolution, and an intrepidity, which, whatever might have been the result, did honor to their country.

On Wednesday morning, the 24th August, at 11 A. M., I received orders from General Winder to detach one piece of artillery and one company of infantry, to repair to the Eastern Branch bridge, and there report to Colonel Wadsworth; and to proceed with the residue of the troops to Bladensburg, and take a position to support General Stansbury. This order was put in immediate execution, and the troops for Bladensburg moved off with all the expedition of which they were capable. Having put them in motion I passed on ahead, in order that I might select my position

Capture of the City of Washington.

against their arrival. I found General Stansbury posted on the west side of the Eastern Branch, his right resting on the main road, distant from the bridge at Bladensburg five or six hundred yards, and extending northeastwardly, his left approaching nearer to the creek. An extensive apple orchard was in his front, and one hundred to two hundred yards in advance, a work thrown up, commanding the bridge, occupied by a corps of artillerists, with five or six pieces, and appeared to be supported by some rifle and light companies. In his rear, on the right, was a thick undergrowth of wood, and directly behind that a deep hollow or ravine, open or cleared, of about sixty yards in width, which the main road crosses. The ravine terminates on the left in a bold acclivity, about two hundred yards from the road; the rest of the ground in his rear was open, unbroken, and gradually ascending fields. Having hastily examined the grounds, and concluded on the dispositions I should make, I apprized General Stansbury of my view, as to the troops under my command, suggesting, that if his line should be forced, and he could again form on my left, that the nature of the ground there would be favorable for a renewal of the action, which might then become general. By this time we received advice that the enemy were near Bladensburg, and I left him, to hasten the arrival of my troops. They moved rapidly on, notwithstanding the excessive heat of the day, covered with clouds of dust, and were promptly disposed of as follows:

Lieutenant Colonel Scott, with the 36th United States' regiment, was posted in a field on the left of the road, his right resting upon it, and commanding the road descending into the ravine before mentioned, in the rear of General Stansbury's right, and the rest of his line commanding the ascent from the ravine. This position was about one hundred and fifty yards in the rear of the front line, but extending to the right. In the same field, about one hundred yards in the rear of the 36th regiment, Colonel Magruder was posted with a part of the 1st regiment of District militia, his right also resting upon the road, the left advanced, presenting a front obliquely to the road, and situated to cover and co-operate with the 36th regiment; Major Peter with his artillery, six six-pounders; Captain Davidson's light infantry, and Captain Stull's rifle corps, armed with muskets, all of the same regiment, were ordered to take possession of the abrupt acclivity before mentioned, terminating the ravine. This was deemed a desirable position, because it commanded completely the ravine and the road crossing it, and a considerable extent of the ground over which the front line would necessarily retire if forced back; but, after a short space of time, report was made to me, that broken grounds interrupted the approach to it with artillery, but by a circuitous route that would consume much time, and that, in case of retreat, the ground in the rear was such as might endanger the safety of the guns. It was mentioned, at the same time, that near to it was a commanding position for artillery, and easy of access from and to the road. I yielded with re-

luctance to the abandonment of the position first ordered, but time did not admit of hesitation. Meanwhile I had posted Lieutenant Colonel Kramer, with his battalion of Maryland draughted militia, in the woods, on the right of the road, and commanding the ravine which continued in that direction, with orders that, if forced, he should retire by his right, through a body of woods in that direction, and rally and form with the troops stationed in the rear, on the extreme right. Upon examining the position taken by Major Peter's battery, it was found that the range of his guns was principally through that part of the field occupied by the 36th regiment. To remove one or the other became necessary, and the difficulty of the ground for moving artillery, and the exigency of the movement, left no alternative. The 36th fell back about one hundred yards, losing, in some measure, the advantage of its elevated ground, and leaving the road. The position of the 31st regiment District militia, from this circumstance, was also necessarily changed. It fell back about the same distance, its right still resting on the road, and now formed, nearly in line with the 36th. Of the 2d regiment District militia, two pieces of artillery and one company of riflemen, armed with muskets, were, by directions of General Winder, sent on to the front; with those he flanked the extreme left of the front line; two pieces more of artillery were posted in the road near the bridge at Bladensburg; the residue of that regiment, about three hundred and fifty strong, under the command of Colonel Brent, was formed as a reserve a short distance in the rear of Major Peter's battery, and so disposed as to act on the right, or left, or in front, as occasion might require. Near them was posted, in the same manner, Major Waring's Prince George's battalion of militia, about one hundred and fifty. Colonel William D. Beall, with a regiment of troops from Annapolis, passed through Bladensburg as our troops arrived, and took a position on the right of the road and nearly fronting it, a distance of about two hundred and fifty yards. Previous to the arrival of the troops on the ground, General Winder came up from the city, and being made acquainted with the intended dispositions of the troops, as well as the ground reserved for Commodore Barney and the marines, approved of and confirmed them.

About half past twelve o'clock, and whilst the troops were taking their different positions, innumerable rockets thrown from the heights of Bladensburg announced the arrival of the enemy there; and, at this period, Commodore Barney's sailors and marines, in quick march, arrived, and took possession of the ground previously assigned them, his artillery being posted in and near the road upon its right, commanding the road and open field in front, and his infantry, together with the marines under Captain Miller, extending to the right; thus occupying the interval of ground between Colonel Magruder's first regiment District militia, and Colonel Beall's Maryland regiment. The firing of artillery in front soon commenced, and immediately after, that of musketry, in quick

Capture of the City of Washington.

and rapid succession. In a few minutes the whole right and centre of the front line, with some small exceptions, were seen retiring in disorder and confusion. The firing still continued on the extreme left; shortly after, it also broke, and although it retired in more order, yet none could be rallied so as to renew the action with effect, and also soon entirely quitted the field.

Meanwhile the left of the enemy, in heavy column, passed along the road crossing the ravine. They were here encountered by the troops of Colonel Kramer, posted in the woods on the edge of the ravine. These, after a short conflict, were compelled to retire; which they did principally under cover of the adjacent woods, and formed with the troops of Colonel Beall on the right. The enemy's column now displayed in the field, on the right of the road. They here became exposed to the oblique fire of Major Peter's battery, which was kept up with great animation. Still pressing on to the front of our right, they came in contact with the heavy artillery of Commodore Barney, and of the troops posted there. Here the firing became tremendous. They were repulsed, again returned to the charge, succeeded in forcing the troops on the right, and finally carried the position of Commodore Barney.

The dispersion of the front line caused a dangerous opening on our left, of which the enemy in that quarter promptly availed. He advanced rapidly, then, wheeling on his left, soon gained, and was turning our left flank. To oppose this alarming movement, I directed Colonel Brent, with the second regiment of District militia, to take a position still more to the left; and he was proceeding in the execution of this order, when orders came from General Winder for the whole of the troops to retreat. The efforts of the enemy had hitherto been directed principally against the right and left of our whole line of battle. The troops of this District, and a part of those attached to them, occupying positions mostly in the centre, and some of them difficult of access, were consequently but partially engaged, and this principally with light troops and skirmishers, now pressing forward, supported by a column of infantry.

I here beg leave to refer to the reports of Colonels Brent and Thompson, Nos. 1 and 2, showing the positions, and the part taken by their respective commands during the action.

The order to retreat was executed by regiments and corps, as they had been formed, and with as much order as the nature of the ground would permit. The first and second regiment halted and formed, after retreating five or six hundred paces, but were again ordered by General Winder to retire. At this moment I fell in with General Winder, and, after a short conference with him was directed to move on, and collect the troops, and prepare to make a stand on the heights westward of the turnpike gate. This was done as fast as the troops came up. A front was again presented towards the enemy, consisting principally of the troops of this District, a part of those who had been attached to them in the action, and a Virginia regiment of about four hundred men,

under Colonel Minor, which met us at this place. Whilst the line was yet forming, I received orders from General Winder to fall back to the Capitol, and there form for battle. I took the liberty of suggesting my impression of the preferable situation we then occupied; but expecting that he might be joined there by some of the dispersed troops of the front line, he chose to make the stand there. Approaching the Capitol, I halted the troops, and requested his orders as to the formation of the line. We found no auxiliaries there. He then conferred for a few moments with General Armstrong, who was a short distance from us, and then gave orders that the whole should retreat through Washington and Georgetown. It is impossible to do justice to the anguish evinced by the troops of Washington and Georgetown on the receiving of this order. The idea of leaving their families, their houses, and their homes, at the mercy of an enraged enemy, was insupportable. To preserve that order which was maintained during the retreat, was now no longer practicable. As they retired through Washington and Georgetown, numbers were obtaining and taking leave to visit their homes, and again rejoining; and with ranks thus broken and scattered, they halted at night on the heights near Tenleytown, and, on the ensuing day, assembled at Montgomery Court-house.

I have thus, sir, given a detailed, and what will, I apprehend, in many respects, be deemed too minute an account, of the short tour of service of the District troops under my command, which preceded the capture of this capital. I fear its length may trespass too much on the patience of your honorable committee. I thought it, however, due to the occasion, and conformable to the spirit and purport of your inquiries. I had another object. The troops of Washington and Georgetown have been assailed, in the public prints, and elsewhere, with calumnies as unmerited as they are cruel and wanton. They have heard of them with indignant astonishment. Conscious that in no instance have they been wanting in the duty they owed to their country or to themselves, but, on the contrary, in obedience to the call of their Government, have, with alacrity, obeyed its orders, and intrepidly fronted an enemy vastly their superior in force, and never yielding the ground to him, but by orders emanating from superior authority, they cannot restrain the feelings excited by such manifest, such unprovoked injustice. They have seen with satisfaction the resolution of Congress to inquire into this subject; and persuaded of the justice and impartiality of your honorable committee, entertain a confident assurance that the result of your investigation will afford relief to their injured feelings. Connected with this subject, I beg leave to refer to a letter of General Winder, No. 3, in answer to an inquiry made of him, as to the general conduct of the brigade whilst under his command. I have, &c.

W. SMITH, *Brig. General,*
First Columbian Brigade.

Hon. R. M. JOHNSON.

Capture of the City of Washington.

P. S. I ought to have mentioned that parts of two companies of the United States' twelfth and thirty-eighth regiments were attached to the thirty-sixth regiment, under Lieutenant Colonel Scott. Previous to the march to Bladensburg, eighty men of his command had been stationed near the Eastern Branch bridge, and did not join until after the action. His force then was less than three hundred men.

W. S.

Brigadier General Robert Young's Statement.

ALEXANDRIA, Oct. 3, 1814.

SIR: In compliance with your letter of the 28th of September, written in pursuance of a resolution adopted by the House of Representatives of the United States, requiring such information as may be in my power to give, more especially the part assigned my command, my numbers, orders, movements, and dispositions, previous and subsequent to the 24th of August last, and on that day; as also the conduct of my officers and men, their ideas upon the subject of the enemy's numbers, their confidence in success, and whether anything like a panic prevailed; with such other views as it may be in my power to communicate, pertinent to an impartial investigation of the subject: I have the honor respectfully to report, that, since the declaration of war, I am enabled, with great truth, to say, that the officers and a great portion of the privates of my command have manifested to me every disposition to defend the District of Columbia from the approach of the enemy; and this disposition has been communicated to the Secretary of War, requesting to be furnished with the necessary means of enabling the militia under my command to do so with effect.

On or about the 25th of July, 1814, General Winder visited the town of Alexandria, and was made acquainted with most of the officers of my brigade, and at that interview mentioned his intention of having a general inspection of the brigade. The men were accordingly assembled, on the first day of August, under an order of General Van Ness, when General Winder attended, and inspected the brigade, minutely, in person. And I beg leave here to remark, that, on General Winder's first visit to the town of Alexandria, he was furnished, by an officer of my brigade, with a topographical sketch of the Potomac, from a place called Indian Head, about twenty-three miles below Alexandria, containing the course of the river, the depth of the water, width of the channel at particular places, and pointing out Indian Head as the first proper point of defence against the approach of the enemy by water; the White House as the second point of defence; and suggesting a plan of increasing the defence at Fort Warburton. This was done with an understanding that General Winder would receive any communication upon that subject, in writing, from any of the inhabitants of Alexandria.

On the 18th day of August last, I received orders from General Van Ness to order out immediately the whole of my brigade, to encamp at some convenient place, and report myself to

General Winder; which order was obeyed. See No. 1.

On the same day I received orders from the same officer, to detach two troops of cavalry attached to my brigade, to rendezvous at Bladensburg the next day, at four o'clock in the morning, to attend Colonel Monroe, Secretary of State, and be subject to his particular orders; which was complied with, as will appear by document No. 2.

On the twentieth of August I was directed by General Winder to hold my brigade ready to move at a moment's warning, with ammunition, and a supply of three days provisions, as will appear by No 3; and, on the same day, about four o'clock, P. M., I received orders from the same officer to cross the Potomac, without delay, at Rozier's ferry, and take a position on the most convenient spot adjacent thereto, encamp, and there await further orders. See No. 4.

I accordingly the same evening took up my line of march, with the remaining part of my brigade, containing, in the whole, officers and privates included, four hundred and fifty four strong. I had with me two brass six pounders, one brass four pounder, and attempted to take two long twelve pounders, belonging to the corporation of Alexandria, but found them too unwieldy to move, with our means, across the river, and returned them. I was, at first, accompanied by a company of marine artillery, composed of volunteers from the seafaring persons in Alexandria, but the difficulty of transporting the twelve pounders occasioned several of them to return; the others remained with a brass four pounder, and joined the artillery commanded by Captain Griffith. On the twenty-first of August I received orders to move with my detachment, at reveille next morning, and pitch my tents at the most convenient spot nigh Piscataway, between that place and the Woodyard, and there await further orders, which was complied with. See No. 5.

On the twenty-second of August I received orders to fall back with my detachment, and take the most convenient position on the road from Piscataway to Washington, to defend the approach from below to Fort Warburton. This order was complied with, see No. 6; and here we received information of the approach of the fleet coming up the Potomac, and of their having passed the Kettle Bottoms. I accordingly took a strong position on a height called Hatton's Hill, near the head of Piscataway creek, about three miles in the rear of Fort Warburton, reviewed the ground of the fort, which is favorable for a small number to defend against a greater, and made a disposition of the brigade in case of an attack, and communicated the information, and marked the ground, and made known to the troops their respective posts in the line, in case of an attack, in doing which both officers and privates exhibited to me the strongest and most determined resolution to make a proper and successful resistance. I saw no wavering or want of confidence, nor any symptoms of panic.

On the twenty-third of August, I received in-

Capture of the City of Washington.

formation from Colonel Tayloe, of the cavalry, that he had in charge to inform me, that General Smith's brigade was retreating to Washington, and the enemy pursuing rapidly, and, in case we were compelled to retreat, the Mayor of Alexandria would send every boat that could be had to Fort Washington, or Rozier's ferry, for the purpose of transporting the troops across the Potomac. See No. 7.

On receipt of this letter I addressed one to General Winder, by my Brigade Major, informing him of its contents, and observed, that as Colonel Tayloe did not say from whom he had the charge, I requested that he would please give Major Triplett his orders on the subject. See No. 8. On the morning of the 24th August I received a message from General Winder, by Assistant Adjutant General Hite, directing me to take up my line of march, and move on the road from Piscataway to the Eastern Branch bridge, and take a position at the Cross Roads, and send out videttes towards Marlborough and the city, to watch the movements of the enemy, then on their march, about — miles on our flank. Our position was on Oxen Hill, where Major Hite again visited us, on his return from Fort Warburton.

On our march, and when the brigade had advanced about three miles, Major Triplett returned with orders from General Winder, directing the brigade to cross the Virginia shore, in the boats which were directed to be left at the fort, for the purpose of crossing troops, and if the boats were not there to retire on to Washington; but, in case we could cross up the river, to fall into the road through which the Virginia troops would pass, and co-operate with them, unless the advance of the enemy up the river should make it necessary to retire on Alexandria; and if there should be no Virginia troops retiring, to fall back immediately to Alexandria, and act in the best manner for the defence of that place, or, retreating to Washington, if necessary; and leaving a latitude, in case of events, to pursue such measures as would best secure us from disaster. See No. 9. Soon after the receipt of this letter, we were advised of the approach of the enemy up the river, above Port Tobacco, and I was also advised that the enemy were, that morning, advanced of Marlborough about five miles; and, without perceiving any want of steadiness in my men, I determined, in obedience to orders, to cross the Potomac to the town of Alexandria, at Rozier's ferry, and sent for the boats left at the fort, and also for the boats from Alexandria, which were immediately sent in great abundance; and, after some part of the brigade had embarked and left the shore, I received orders from General Armstrong, dated the 24th of August, but whether written before or subsequent to that of General Winder I was unable to ascertain, informing me that the most the enemy did the day before, was to move about two miles in advance of Marlborough, and that the ships in the Potomac had no troops; and directing me to hold my present post until assured that the enemy was in force and about to attack me, or until I should receive

further orders, and keep my videttes well posted on every road. See No. 10.

I accordingly recalled the troops embarked, and resumed my position back of Oxen Hill, on the road leading to the Eastern Branch bridge, and near its junction with the road leading to Marlborough, and sent out my videttes on each road. We were at this moment apprized of the enemy's being on his march to Bladensburg, and soon after, by the commencement of the action, which was distinctly heard; the videttes soon returned, and gave me information of the Eastern Branch bridge being blown up, and others, of the retreat of our troops through Washington. I had, in this interval, despatched the trooper who brought me General Armstrong's letter, with an answer, informing him that I had, in obedience to his letter, returned to my position on the heights back of Oxen Hill, and should there wait further orders.

The trooper, with great despatch, returned, and informed me that he could not see General Armstrong, but had inquired of the President and General Winder, both of whom he met with the army, retreating through Washington City, and they being unable to give any information of him, General Winder despatched the same trooper back, with verbal orders for my brigade to cross the Potomac, and form a junction with his army in Montgomery county, Maryland. I accordingly crossed the troops over to Alexandria, on the night of the twenty-fourth of August, and took a position a small distance in the rear of Alexandria, and during the night and next morning crossed my artillery and baggage. I had sent a vidette into the City of Washington, and learnt that the enemy were in possession, and were firing the public buildings. I took up my line of march for Conns' ferry, a small distance above the Great Falls of the Potomac, and immediately opposite Montgomery Court-house, where I was informed General Winder's army then were. The troops were, on the twenty-sixth, delayed on their march, near Carper's mills, opposite the Great Falls of the Potomac, by an alarm of a domestic nature, which I was credulous enough to give credence to, from the respectability of the country people who came to me for protection, and I accordingly halted my brigade, and sent out my light troops, and one troop of cavalry, which had joined me from Fauquier, to ascertain the fact, which finally proved erroneous. See letter No. 12, from the Mayor of Alexandria.

On my passing the road which led to the Little Falls bridge, I was apprized by a vidette that the enemy's pickets were still in view from Georgetown, and by several persons from the city, that I was in danger of being cut off, should the enemy make a sally out across the Little Falls bridge, which determined me to pursue my original intention, and not pass the bridge.

On the evening of the twenty-seventh of August I crossed my troops over the Potomac, at Conns' ferry, and the river being rocky, and but one boat, and owing to high winds, I was unable to pass the artillery and baggage across until late

Capture of the City of Washington.

in the evening of the twenty-eighth of August, when I immediately despatched a vidette to General Winder, informing him of my movements, and that I should continue my march to reach his camp, unless otherwise ordered. See No. 12.

About one o'clock of the night of the twenty-eighth, I received an order from Colonel Monroe, Secretary of State, informing me that the British squadron had passed the fort, and was approaching the city; that the fort surrendered without opposition; and that the President of the United States desired that I should move with all possible despatch for Georgetown, to be in a situation to aid either Alexandria or the city, as circumstances might require. See No. 13. I soon after took up my line of march, and reached Georgetown, distant about twenty miles, at half past twelve o'clock, and then marched to the city, and encamped near the President's house, in full view of the enemy's fleet lying at the town of Alexandria.

On the thirty-first of August I was ordered to march across the Potomac, and join General Hungerford, from whence the brigade was marched to the White House. See No. 14. It may be proper for me here to remark, that, on my route to Conns' ferry, I gave directions for moving two twelve pounders, belonging to the corporation of Alexandria, out of the enemy's reach, and on my march to the White House I carried them with me, and caused to be removed from the gun-house in Alexandria, and while it was in possession of the enemy, the crews, sponges, rammers, and apparatus, belonging to the guns, as also the powder from the powder-house, and, as facts are better than opinions, permit me to bring in view the artillery so handsomely mentioned by Captain Porter. Two of the infantry killed, and two wounded, that had been detailed under the command of Captain Janney, show the materials of the brigade from which they were drawn; the rifle corps were also on the flank of battery, and did their duty, and more to their honor, from knowing that their arms had previously been condemned. Whilst the troops lay at the White House, some opportunity was afforded me during the bombardment of that fort, as well as on the day the enemy's fleet passed it, from the quantity of large and grape shot and rockets which fell among them, of forming a correct judgment of their firmness, as well as from the circumstance of the defence of a particular spot having been previously assigned to me and my command, to which, on the first notice of the action, the remainder of the brigade repaired, with a cheerful serenity of mind free from the agitation or appearance of panic, which warranted the highest expectations from them: and, considering that the brigade was called into service en masse, drawing persons from all situations in life, on so short a notice, I am happy to say that they endured fatigue and privation without a murmur; and I most sincerely lament, both for them and myself, that so fair an opportunity should have passed by—an opportunity above all others which could have presented itself to the mind of an

American freeman, the most desirable; that such an opportunity, from circumstances beyond their control, should have passed, without all the officers and privates of the brigade being brought to a more earnest test of their professions and dispositions, both for the honor of their town, themselves, and beloved country.

I have the honor to be, &c.,

ROBERT YOUNG,
Brig. Gen. 2d brigade M. D. C.

Hon. R. M. JOHNSON, *Chairman, &c.*

NOTE.—Fort Warburton and Fort Washington is the same place, it being differently called in the different despatches received.

Brigadier General Hugh Douglas's Statement.

ELLCOTT'S MILLS, Nov. 20, 1814.

DEAR SIR: In answer to the inquiry contained in your letter of the fifteenth, I hasten to inform you, that I received the order calling me to Alexandria, and thence to the City of Washington, on the Monday immediately preceding the destruction of the public buildings. This was on the twenty-second of August. It directed me to march my brigade immediately to Washington. In pursuance of these orders, my brigade, or rather the greater part of it, marched on the next day, the twenty-third; the residue overtook them on their march.

In relation to the arms, I will add, that the Loudoun regiments under my command brought on some arms from Virginia, which were partly deposited at Ellicott's Mills, and partly delivered up, to be brought to this place from Baltimore, the troops having met with Harper's Ferry arms, with which those were supplied whose muskets were out of order.

The Fairfax regiment, under Colonel Minor's command, was armed at Washington, when he was detached from me. From him you may learn when he arrived in Washington; at what hour after his arrival he applied for arms; how long he was delayed, and what were the causes of delay.

It is not in my power to give further information that I deem material; but, as the committee have demanded of me all the information I possess, I feel it my duty to refer them to Colonel Minor, whose information, in relation to the arming the regiment under his command, and the delays attending it, may be perhaps important.

I have the honor to be, dear sir, &c.,

HUGH DOUGLAS,
Brig. Gen. 6th brigade, V. M.

Lieutenant Colonel Joseph Sterret's Statement.

BALTIMORE, November 22, 1814.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, and will, with pleasure give such information as I possess relative to the unfortunate affair of Bladensburg.

On the 19th of August last, the 3d brigade of Maryland militia was called into the service of

Capture of the City of Washington.

the United States. On the 20th, the 5th regiment, the rifle battalion, under Major Pinkney, and two companies of artillery, under Captains Myer and Magruder, making, together, about eight hundred men, were ordered by General Stricker to proceed to Bladensburg, under my command, where I was to report myself to General Winder. On the 21st, the whole took up the line of march. At Elk Ridge Landing, I received a communication from General Winder, directing me to proceed to Snowden's by convenient marches, and there await his further orders. As the detachment set out without being completely equipped, I halted at the landing, to give an opportunity for the further supplies to come on. However, on Monday, the 22d, about 2 o'clock, P. M., I received an order from General Winder, by express, to advance by forced marches to Bladensburg. The whole of my detachment instantly struck their tents; and, with the greatest alacrity, took up the line of march. We arrived at the Buck, or Snowden's, at a late hour, and encamped for the night. Early the next morning we were in motion, and that evening arrived at Bladensburg, where, by order of Gen. Winder, I was placed under the command of General Stansbury. The whole encampment was alarmed about nine o'clock that night, soon after my detachment had pitched their tents, and before the men could refresh themselves. They, however, formed with cheerfulness and alacrity, and remained under arms until about one o'clock. We were scarcely dismissed before we were again called to arms, and about two o'clock were ordered to strike our tents; and, finally, before daylight, we marched, and crossed the bridge at Bladensburg, and took the road to Washington. We were occasionally halted and advanced, until about 11 o'clock, when we were countermarched, and formed in the orchard on the west side of Bladensburg bridge, to await the enemy, who, we were informed, was advancing in full force. I knew nothing of any second line or reserve being formed to support us, and no man of any judgment, acquainted with the fatigued, undisciplined, and inexperienced troops, under the command of General Stansbury, could, for a moment, suppose them capable of making a successful resistance to a superior, brave, and veteran enemy, conducted by officers of great experience and high reputation. In this situation I concurred in opinion with Colonel Ragan and Major Pinkney, that we ought to fall back, and, by uniting with the other troops under General Winder, which were supposed to be between us and Washington, enable the General to make a better disposition of his whole force; and so advised General Stansbury, who, in reply, observed that the order was positive; that he must make his stand where he was; to which, of course, we submitted.

The two companies of artillery and the riflemen, under Major Pinkney, were detached from me, and stationed near the bridge at Bladensburg. The fifth was formed under the directions of Colonel Monroe, the present Secretary of War, on the left, and in line with General Stansbury's

brigade, from which period my attention was principally confined to this regiment. The men beheld the gradually approaching dangers of battle with a firm and undaunted countenance. The action commenced about one, by an attack on the redoubt, where the riflemen and artillery were placed. These soon retired, and the fifth covered their retreat, and kept up a lively fire, and supported their place in line with firmness, until the enemy had gained both flanks, and the order to retreat was given by General Winder himself. I was directed to take a road to the right, as we retired, leading to the City of Washington; but we were so annoyed by the enemy's flankers, followed by his whole force, and finding no reserve to support us, or upon which to form, it became impossible for me, though ably assisted by my field and other officers, to preserve order. On my arrival at Washington, I was informed that General Winder had passed through Georgetown, and taken the Fredericktown road. We followed, and came up with him about three miles from Georgetown, and reported ourselves. By this time it was nearly dark. General Winder here informed me that he should retire upon Montgomery Court-house. I obtained his permission to seek for refreshment and quarters, and discretionary orders to endeavor to turn the course of the retreat towards him. This night I had the mortification of witnessing the conflagration of the City of Washington, being only distant about four miles. Early the next morning, with my field officers, I crossed the country to the Baltimore road, with a view of turning the troops we might meet or overtake towards Montgomery. We soon fell in with numbers of General Stansbury's brigade, and those who marched from Baltimore under my command. But our exertions were again ineffectual, from the knowledge all possessed of the destruction of the public buildings in the city, and that our baggage wagons had passed into Virginia. In fine, I concluded that it would be impossible to collect any force short of this place, and so came on. General Winder soon after arrived here, and seemed satisfied with what I had done.

I ought to notice, that the first line, formed on the battle ground, was changed under the direction of Colonel Monroe. On this occasion he observed to me, "Although you see that I am active, you will please to bear in mind that this is not my plan," or words to this effect.

The fall of the capital must be ascribed chiefly to the insufficiency in point of numbers, and total inadequacy in point of discipline of the troops assembled for its defence. No General, however great his talents or exertions, with such means, against such a foe, could have saved it. The imposing front of the enemy was never disconcerted by the fire of the artillery or riflemen; and the brigade of General Stansbury was seen to fly as soon as the action became serious. No second line or reserve appeared to advance or support us, and we were outflanked and defeated in as short a time as such an operation could well be performed.

Capture of the City of Washington.

I have the honor to be, sir, your most obedient servant,

JOSEPH STERRET,
Lieut. Col. 5th Regiment Md. M.

Hon. R. M. JOHNSON,
in Congress, Washington.

Colonel George Minor's Statement.

In answer to the several interrogatories made by Colonel R. M. Johnson, chairman of the committee of inquiry into the causes of the destruction of the public buildings in the City of Washington, as hereunto annexed, I state as follows, viz:

On Friday, the 19th of August last, was informed (not officially) of the collecting of the enemy's forces in our waters, namely, the Potomac and Patuxent. Immediately issued orders for the regiment under my command to assemble at Wren's tavern on the Tuesday following, it being the nearest point of the county of Fairfax to the city; and, on Sunday the 21st, received orders, through Brigadier General Douglas, to repair with a detachment of ninety men, that had been previously placed in detail, to march at a moment's warning to the aid of General Hungerford, whose headquarters were either in the counties of Westmoreland, King George, or Northumberland; and to make one other requisition of one hundred and forty men, exclusive of officers, and order them to the aid of Gen. Winder, City of Washington. And on Monday evening, the 22d, received a verbal message from the President, by Mr. John Graham, to hasten on the troops which had been ordered from my regiment, which will more fully appear by said Graham's letter to General Winder, to which I beg leave to refer the committee; and, after informing Mr. Graham the purport of the orders I had received, we both concluded it would be proper for him to return to Washington, and have the orders, first alluded to, countermanded, so as to justify me in marching with my whole force to the city; which consisted, as well as I can recollect, of six hundred infantry and about one hundred cavalry; and the said Graham returned to Wren's tavern on Tuesday evening, the 23d, with General Winder's orders, written on the same letter to which I have referred the committee. On the receipt of which I took up my line of march immediately, and arrived at the Capitol between sunset and dark, and immediately made my way to the President and reported my arrival, when he referred me to General Armstrong, to whom I repaired, and informed him as to the strength of the troops, as well as to the want of arms, ammunition, &c., which made it as late as early candle light, when I was informed by that gentleman the arms, &c., could not be had that night, and directed me to report myself next morning to Colonel Carbery, who would furnish me with arms, &c.; which gentleman, from early next morning, I diligently sought for, until a late hour of the forenoon, without being able to find him, and then went in search of General Winder, whom I found near the Eastern Branch; when

he gave an order to the armorer for the munitions wanting, with orders to return to the Capitol, there to await further orders.

On my arrival at the armory, found that department in the care of a very young man, who dealt out the stores cautiously, which went greatly to consume time; as, for instance, when flints were once counted by my officers, who showed every disposition to expedite the furnishing the men, the young man had to count them over again, before they could be obtained, and at which place I met with Colonel Carbery, who introduced himself to me, and apologized for not being found when I was in search of him, stating he had left town the evening before, and had gone to his seat in the country. After getting the men equipped, I ordered them on to the Capitol, and waited myself to sign the receipts for the munitions furnished; and, on my arrival, was informed by Major Hunter, who commanded in my absence, orders had been given to march to Bladensburg, when we took up our march for that place, and met the retreating army on this side the turnpike gate, and was ordered by one of General Winder's aids to form the line of battle on a height near that place, and was soon after ordered by the General in person to throw back my regiment from that position, into sections, and to wait until the retreating army had passed, and cover their retreat; and immediately after sent his aid to direct me to countermarch immediately, and come on to the Capitol.

After returning there, halted the troops, to wait further orders, until General Winder directed me to march them on, without telling me where; of course I marched with the other troops until I came to the Six Buildings, where I took the left hand road, leading to the foundry, and there occupied the nearest height to that place, and sent the adjutant to find where the General had made his rallying point, and was informed at Tenleytown, where I marched that evening, and found the troops moving off to encamp at some convenient place on the river road, where I followed on until I saw two barns, where I made to, and rested for the night. Next morning sought for General Winder; met him on the road leading from Tenleytown, to where my troops lay, when he ordered me to Montgomery Court-house, and from thence to Baltimore. Given under my hand, City of Washington, 30th of October, 1814.

GEORGE MINOR,
Colonel 60th Regt. V. Militia.

Lieutenant Colonel John Tayloe's Statement.

FRANKLIN HOUSE, WASHINGTON,
November 4, 1814.

SIR: In obedience to your request, as chairman of the committee of investigation, &c., I have the honor to make to you the following statement: on my return from the Northern Neck army, commanded by Major General Parker, of the Virginia militia, which I left on the 20th August, with despatches from that officer, in reply to a communication I had been charged with, con-

Capture of the City of Washington.

cerning the Virginia draughts, I arrived at Washington on Sunday night late, (the 21st,) and reported myself early the next morning to General Armstrong, who ordered me to meet him at the War Office at 12 o'clock, from whom I received the following order:

"WAR DEPARTMENT.
August 22, 1814.—12 o'clock.

"General Orders.

"General Douglas will assemble his brigade at Alexandria, and hold it there, subject to orders.

"J. ARMSTRONG."

I immediately proceeded with all speed, and executed the above order. Having received Douglas's communication, I hastened to Washington, and handed it to General Armstrong on Tuesday night, the 23d; when he instantly sent me back to Virginia, charged with the following orders, and with verbal directions to forward on the Virginia draughts with all possible speed:

"WAR DEPARTMENT, Aug. 23, 1814.

"General Order:

"Lieutenant Colonel Minor will repair to Washington, with the regiment under his command, with the utmost despatch. He will report, on his arrival at Washington, to Colonel Carbery, of the 36th regiment of United States' infantry, and make a requisition for arms and ammunition.

"J. ARMSTRONG."

"WAR DEPARTMENT, Aug. 23, 1814.

"General Order:

"All militia now in and marching to Alexandria (besides that of Colonel Minor) will march immediately to Washington.

"J. ARMSTRONG."

"These orders will be communicated by Colonel Tayloe."

For the purpose of executing these orders without loss of time, and after communicating by a dragoon with Colonel Minor, I proceeded down the Northern Neck to General Hungerford's brigade, then encamped at Camp Selden, near Potomac creek. On the 27th August I moved from the brigade at Occoquan, on its march to Washington, and came on with a despatch from the General to Colonel Monroe, which I delivered at two o'clock in the morning at Washington.

General Armstrong manifested much zeal and earnest solicitation for the defence of Washington, and instructed me to use my best exertions in hastening the troops for the attainment of that desired object.

I have thus made you acquainted with the orders I received from the late Secretary of War, previous to the capture of Washington by the enemy, and stated to you as concisely and accurately as I can recollect, at this distant period, the manner in which these orders were executed.

I am, sir, very respectfully, your most obedient servant,

JOHN TAYLOE,
Lieut. Col. Cavalry, M. D. C.

Lieutenant Colonel J. Laval's Statement.

WASHINGTON CITY, Oct. 31, 1814.

SIR: I have been honored with your letter of the 26th instant, in behalf of the committee appointed to inquire into the causes which gave success to the enemy in his late enterprise against this city, desiring to know the part taken by my command; my orders, positions, and duties; the number of cavalry under my command, and the different corps of cavalry, &c.; in answer to which, I have the honor to inform you as follows:

It is necessary, first, I should beg leave to commence my narrative from Carlisle, the place which had been assigned me by the Secretary of War, to collect, equip, mount, and instruct, the dragoons, for whom that place was selected as a depot, and at which I received my orders for this city. This is the more necessary, as it is highly important to me to exhibit the true state in which I set off, and thus redress the erroneous opinion the public had formed of my command, both in point of strength and capacity as dragoons.

I took command early in March last of the depot at Carlisle, and as fast as the recruits arrived they were instructed in the sword exercise, marched through the drilling movements, and received all other instructions that could be given them without horses, having none then. After a few months one troop was completed, mounted, equipped, and trained, but it was ordered to Buffalo, under command of Captain Hopkins, who carried with him all the horses, except the lame and sick. Thus I had to begin again, and wait for men arriving from the different rendezvous, and patiently wait also for horses, which came on slowly, until about the 25th of July, when I received the following orders from the War Department, to which letter I must call your particular attention, it being an essential document to prove the state I was in, and the condition in which I left Carlisle to meet the enemy, as it happened in ten days:

"ADJ'T AND INSPECTOR GEN'S OFFICE,
Washington, July 20, 1814.

"SIR: As soon as you have assembled the recruits for the Light Dragoons, arrange them into two troops, with the requisite number of officers, if within your command, and as soon as Lieutenant Darrah has furnished you with a sufficient number of horses to mount them, you will, without delay, move to Montgomery Courthouse, Maryland, taking the nearest and best road to that place, &c.

"The equipment, complete, cannot probably be furnished in time at Carlisle; you will, in that case, order them to Baltimore.

"On your arrival at Montgomery you will report to Brigadier General Winder for orders.

"By order of the Secretary of War.

"JOHN R. BELL,
Assistant Inspector General.

"Lt. Col. LAVALL, Light Dragoons."

The above orders were executed with the utmost activity and punctuality. I despatched,

Capture of the City of Washington.

immediately, an express to the officer mentioned, as purchaser of the horses, (Lieutenant Darrah,) who was then at Pittsburg, upwards of two hundred miles from Carlisle. I enclosed the tenor of my orders, in return of which, as soon as practicable, he sent what horses he had, being about twenty, and came himself some time after, with about the same number: and then, with all reasonable despatch, purchased what was wanted to mount what number of men, fit for duty, I then had, being about one hundred and forty, arranged as directed, into two troops, the one commanded by Captain Burd and two lieutenants, and the other by Captain Littlejohn and two lieutenants. The purchase of horses was completed on Saturday, the 13th of August, and I marched off with the squadron the Monday following, 15th. I arrived at Montgomery on Thursday, the 18th. On Friday, the 19th, I came to Washington for orders, and returned to Montgomery same day. And on Saturday, the 20th, about ten o'clock in the morning, I marched my troops through the city. I crossed, according to orders, the Eastern Branch bridge, and encamped nearly opposite the Navy Yard. There we remained until Sunday afternoon, 21st, when we were ordered to the Wood-yard, between which place and Nottingham, and Marlborough, and the Old Fields, we were kept on constant duty, in reconnoitering, in patrolling, in escorting, furnishing videttes, to and fro, until Tuesday, the 23d, when we recrossed the Eastern Branch bridge, about eleven o'clock at night, both men and horses hungry, and harassed with fatigue. We remained in that situation until about ten o'clock in the morning, Wednesday, 24th. A stack of hay had just been discovered and directed to be purchased, when I received the following order, to wit:

"HEADQUARTERS, WASHINGTON,
August 24.

"Lieutenant Colonel Lavall will proceed immediately with his detachment to Bladensburg, and report to Brigadier General Stansbury.

"WM. H. WINDER, *Brig. Gen., &c.*"

The men, extremely anxious to feed their horses, were in the act of fetching the hay on their heads, and it was with much difficulty they could be persuaded to drop it before they reached their horses. The trumpet sounded, the men ran to their horses, and in a few minutes I was under way for Bladensburg. A number of the horses were unable to proceed; several of the men sick; and from other casualties my command was reduced to about one hundred and twenty-five. This, sir, was the total amount of dragoons under my command. The report which has circulated of my having on that day from four to five hundred dragoons is erroneous. There were several other troops of volunteer cavalry, but, sir, I had no command nor control over them. What might have been their orders I know not; they did not join me, nor did I receive at any time any orders to take command of them, or any of them.

I have, in compliance with your request, sir, procured the names and probable strength of each

troop, which, as near as I have been able to obtain, is herewith subjoined.

I proceeded to Bladensburg; I had never been there before; the enemy was in sight; my orders were to report to General Stansbury; I stopped my troops in the road near the river; I looked for the General; I could not come up with him; he was visiting his troops. Our horses being much in want of water, we marched to the river. The enemy was then advancing rapidly towards it: I retired without having met the General, whom I had never seen. On my retiring from the river, I was met by Colonel Monroe, (then Secretary of State.) I informed him I was in want of orders; and being totally unacquainted with the place, I was indebted to him for the place he pointed out, which I occupied immediately with the squadron. At the moment of my entering the ravine, General Stansbury passed by and approved of it. I was then satisfied that the General knew my position. The action began immediately; and the front of the ravine being too high for me to observe the movements of the enemy, I advanced in front with one of my officers (Lieutenant Brakin) to judge better of the opportunity which might offer. Our being elevated, and in a conspicuous situation, the balls and rockets soon showered around us. I had no other chance to form any idea, having never been at the place before. We were too late to form any judicious arrangements, not knowing how the troops and batteries were disposed in Bladensburg; and we arrived too much before our own troops from Washington to know the disposal of them in the rear.

The engagement was but short. I will not enter into the details of it, as you have no doubt, sir, been furnished by a better authority; nor is it your desire. I will only state what leads to any reference to my share. All of a sudden our army seemed routed; a confused retreat appeared to be about in every corner of the battle ground, and the place we were occupying seemed to have been the one by which it was to be effected. They poured in torrents by us. My right wing being outside of the ravine, covered unfortunately a gate which it appeared was much wanted. An artillery company drove through before we could clear it; several of my men were crushed down, horses and all, and myself narrowly escaped having my thigh broken by one of the wheels, which nearly took me off my horse. All this created much confusion in the right wing of the squadron; they however soon got in order, and the stream of the running phalanx considerably abated.

In the midst of a confusion, the like of which I had never seen in a field of battle, one of my troops was carried off the field, either through some mistake or improper orders, as it was unknown to me, who ought to have been first directed or consulted. The moment that such an important point of discipline is trampled upon, a commanding officer loses all responsibility as well as credit, and risks his honor for the name of having a command.

Captain Burd's troop, which then did not con-

Capture of the City of Washington.

sist of more than fifty-five men, was all the command I was then left with—hardly half of a captain's command. Yet, it has been wondered at why I did not cut to pieces four or five thousand of the British veteran troops with fifty-five men, all recruits, and upon raw horses. The most of them had not yet been purchased two weeks. The consequences are so obvious that I did not think myself justifiable to make so certain, so inevitable a sacrifice, without a hope of doing any good. There is a distinction between madness and bravery.

Regular troops never act or retreat without orders; I had no other orders than those I have stated above, I therefore remained as long as I could. I consulted with Captain Burd before we left the field, who had no more desire to leave it than I had, but it was high time; when we saw all going, I could no longer doubt of the order being general; I could not account for its not being more generally communicated. The enemy was then advancing rapidly under a shower of fire, besides a column of about seven or eight hundred which had gained considerably on our right; we then, and only then, sir, marched off on a walk between the flanking column and our disordered army. We continued in that order, walking our horses as slow as horses could walk, when we were again met by Colonel Monroe, who walked his horse with us better than a mile, until he was satisfied that the enemy on our right required to be kept in observation. He left us and advised to proceed in the order we then were, and we did so.

The pleasing hope to meet all our forces collected at Washington, and that there we would be better able to receive the enemy, from various motives and resources which we could not have had at Bladensburg, filled my mind with anxiety, and helped to comfort me in our retreat; for it was not in the power of imagination to have indulged itself with a moment of doubt, whether we should fight or not at Washington, and defend the Capitol to the last man. I have not met a man who was not of the same opinion with me on that score; by what fatality we were made to pass through the city and leave it unprotected I know not, nor is it within the reach of my comprehension.

Having arrived at the Capitol, I formed my troop. It had been rumored, or ordered, (I do not remember which,) that we were all to form near it; but, after remaining there half an hour, I saw no troops in the neighborhood. I was then informed that the President's house was the place before which the army was to be formed. I then marched through the avenue, and soon arrived before the President's house, but saw no army nor symptoms of any, which would indicate a probability of resistance. After remaining in that situation for about three quarters of an hour, I could not, nor would not, believe that the city was to be given up without a fight. When I received orders to follow the army, which it appeared had passed through Georgetown two hours before us, I then, sir, with a heart full of

sorrow, grief, and indignation, ordered my troop to follow the army, and met it about three or four miles above Georgetown. What follows that period, I presume, sir, is of little importance to you and the committee of inquiry; I, therefore, will close by saying that, from that day to this, I have not ceased to lament the event, without being able to penetrate into the cause.

I have now given you, sir, all the information in my power, relative to the several points, the subject of your request in the letter you have honored me with in behalf of the committee, of whom I have the honor to be, &c.

J. LAVALL,

Col. Com. Squadron U. S. L. D.

Hon. R. M. JOHNSON,

Strength and names of the several Mounted Volunteer Corps on the ground at Bladensburg.

Lieutenant Colonel Tilghman, about	-	-	-	-	70
Major Ridgely	-	-	-	-	110
Captain Graham	-	-	-	-	35
Lieutenant Williams	-	-	-	-	20
Captain Herber	-	-	-	-	25
Total	-	-	-	-	280

Colonel William D. Beall's Statement.

GEORGETOWN, Nov. 22, 1814.

SIR: I have the honor to reply to your request, directed by the honorable committee "appointed to inquire into the causes of the success of the enemy in his recent enterprises against this city," &c., that, on my march to Bladensburg, on the 24th of August, I received General Winder's order, in reply to a letter I had written him the day before, to join General Stansbury at Bladensburg; that, on my arrival at the mill, I was met by a gentleman, (General Winder's aid. I supposed,) who informed me my ground was Veitch's Hill; he conducted me to the ground, where I formed and received the enemy, after he had done with the army below the hill. On our retreat, at Capitol Hill, I received an order to march through Georgetown to the heights above it; but we reached Tenleytown, and, from thence, about twelve o'clock at night, were ordered to move on the river road, no point designated; the next day, we arrived at Montgomery Courthouse; the next day we encamped at Gaither's heights, thence to Ellicott's Mills, thence to the two mile stone towards Baltimore.

I have been informed by a gentleman, who acted as one of General Winder's aids, that he brought me an order to retreat; but I do not remember it.

This is as short a statement as I can make, to comprehend the design of the committee.

I have the honor to be, &c.

WM. D. BEALL.

N. B. Having marched about sixteen miles that morning, before the battle, my men were fatigued and exhausted. Although it is not my impres-

Capture of the City of Washington.

sion that my command gave way as early as is represented by some, I must acknowledge that the contest with the enemy was not of a character corresponding with my wishes in defending the capital of the United States, and, therefore, made every exertion to rally the men, and partially succeeded; but they ultimately gave way, in despite of exertions, like the other troops. My command consisted of about seven or eight hundred men.

Major William Pinkney's Statement.

BALTIMORE, Nov. 16, 1814.

SIR: I have the honor to make the following communication, in compliance with the request contained in your letter of the 17th of last month.

The detachment, of which my battalion of riflemen (or rather three companies of it) formed a part, marched from Baltimore on the 21st of August, under the command of Lieutenant Colonel Sterret of the 5th regiment, and arrived at Bladensburg about sun-set on the 23d, where it encamped below, and at a short distance from, the brigade of General Stansbury, who had fixed his encampment on Lowndes' Hill, by the side of the road from Marlborough, and between that road and the river road. The detachment was wholly from the third brigade of Maryland militia, and consisted of the 5th regiment, between four and five hundred strong; of two companies of artillery, (with six six pounders,) commanded by Captains Myer and Magruder, amounting to about one hundred and fifty men; and of three companies of my battalion, commanded by Captains Dyer, Aisquith, and Baden, amounting to about one hundred and eighty rank and file.

In the night of the 23d, (about eleven o'clock,) we were called to arms by several discharges of single muskets in quick succession, by General Stansbury's pickets. Our detachment, of which only I had much opportunity to observe the conduct, turned out with alacrity, and exhibited, during the alarm, great spirit and firmness. The dispositions made by General Stansbury to meet the enemy, who was supposed to be advancing by the upper road, appeared to be prompt and judicious. It was a false alarm, however, and, after a few hours, we were permitted to return to quarters.

We had scarcely reached our encampment, before Colonel Sterret and myself were summoned to the tent of General Stansbury, where we found his principal officers assembled. The General stated to us that he had just received intelligence from General Winder that he had retired upon Washington, across the Eastern Branch; and he asked our advice as to the course which, in consequence of that movement, it was proper for him to pursue, apprising us at the same time, as I think, that General Winder expected him to fight the enemy, if he should take the route of Bladensburg. It appeared to be certain that the enemy would take that route, without loss of time, and that General Stansbury's force, fatigued and exhausted as a portion of it was, consisting altogether of militia unused to service, amounting to little more

than two thousand men, and deprived of all prospect of support from any quarter, was in no condition to withstand nearly thrice its number of regular troops, in a position which presented no peculiar facilities for defence, especially when it was considered that General Winder's force, more numerous than General Stansbury's, consisting partly of regulars, high in character and discipline, furnished with more and heavier artillery, and with a powerful body of horse, had just been compelled to place the Eastern Branch between it and those troops. For these, and other reasons, the officers present were of opinion that General Stansbury ought immediately to break up his encampment, and, by drawing nearer to Washington, consult the safety of the force under his command, and put it in a situation to co-operate with that of General Winder, and to receive and execute the orders of that General, whatever they might be, for the protection of the Capitol. General Stansbury was himself of that opinion; and, in conformity with it, we retired across the bridge, in good order, to a high ground, on the edge of the main road, about a mile and a half from Bladensburg, from whence the enemy could be reconnoitered, if he should advance, as had been anticipated. We halted at this place, about sunrise on the 24th, after General Stansbury had, as he informed me, despatched his Aid-de-Camp (Major Woodyear) to General Winder, to give him notice of his march, and take his orders upon it. While he remained here, General Stansbury mentioned, or showed to me, (I forgot which,) a letter just received by him from General Winder, written, I believe, before General Winder knew of his late march, from which it appeared that General Winder still calculated on his engaging the enemy, if he should attempt to approach by Bladensburg. I was still of opinion, and so expressed myself to General Stansbury, that, although it seemed to be his duty to prepare his troops to dispute, alone, and to the last extremity, the enemy's passage to the city, and it was possible the military views of his superiors might impose such an undertaking upon him, he ought not, unless his orders were peremptory, (and they were not yet understood to be so,) to seek the enemy at a distance from General Winder, without whose immediate aid he could not fail to sacrifice his men, already broken down by toil and fasting, and want of sleep, and thus to produce the destruction of the Capitol; that Major Woodyear would soon return with precise orders from General Winder, founded upon a knowledge of his situation and the designs of the enemy; and that, even if Major Woodyear's return should be unexpectedly retarded, and a removal from his actual position should become necessary, it would be far more prudent that General Stansbury should proceed to occupy one of the strong grounds yet nearer to Washington, with which the road abounded, where he might not only encounter the enemy to advantage, but readily be succored by the Commander-in-Chief, than that he should go back to his old encampment, or its neighborhood, while General Winder's co-operation con-

Capture of the City of Washington.

tinued to be precarious. I believe that Colonel Sterret and Colonel Ragan gave to General Stansbury the same opinion, in substance, and that General Stansbury concurred in it. He did not, however, move nearer to Washington, for Major Woodyear shortly afterwards (about nine o'clock) brought him verbal orders from General Winder to retrace his steps, and contest with the enemy the pass at Bladensburg, together with an assurance that he would join him without delay. These orders were immediately obeyed, and, between ten and eleven o'clock, A. M., the troops were halted in a field, where there is an orchard, on the left of the road as you approach Bladensburg from Washington, not far from the bridge. The passage at Bladensburg may be effected, as I comprehend, by two routes: by the bridge and deep ford just above it, and by the more shallow ford in the old Baltimore road, a little above the fork made by the Northeast and North west branches; which ford is reached from Bladensburg, by first crossing the Northeast branch in the present Baltimore road, and then turning to the left; and we halted at the point from which a passage by either or both of these routes might be opposed.

While the enemy was expected, a cloud of dust announced the advance of a body of troops upon the upper road, and they soon showed themselves upon Lowndes' Hill, which they descended rapidly. As General Winder had not yet appeared, preparations were made to receive them by General Stansbury, assisted by Colonel Monroe. At the bottom of the field, between four and five hundred yards from the bridge, as I conjecture, was a sort of a battery, *en barbette*, which had been hastily constructed for heavy artillery, under the direction of Colonel Wadsworth. The Baltimore companies had been employed, from their first arrival in the field, (with such tools as they could get,) in cutting embrasures through the parapet, which was much too lofty for their six pounders, and which there was not time to reduce through its whole extent, and in masking them with brush wood. In this battery they were now stationed. I was ordered to place my companies in ambush on its right, with a view to afford protection to it, and to annoy the enemy in his approach, if he should succeed in crossing the bridge, or in fording the stream in its neighborhood. I conducted my battalion accordingly to the place prescribed, and there distributed them behind a fence and among the bushes, upon the slope of the bank which terminates the field, and also beyond the slope, as near to the bridge and ford as was practicable, taking my own station some yards in the rear, (with the Adjutant and Sergeant Major,) on the top of the bank in the field, where there was nothing to interrupt my view of an advancing enemy. The fifth regiment was posted about fifty yards in our rear, (outstretching us of course,) and gave confidence to my companies and the artillery. Two companies of General Stansbury's brigade (acting as riflemen, but principally armed with muskets) were posted near the barn, behind the battery, at a small distance from us. The residue of the brigade

was, I think, stationed to the left of the battery, near to and beyond the road which flanks it, called the Mill road, to watch, as I suppose, that road and the upper ford, and to march, or to supply detachments, as occasion might require, to sustain the other parts of our force. A few horse paraded on the main road, sometimes as far as the bridge. Such appeared to be our means of resistance, and such the distribution of them. It was soon ascertained, however, that the troops, whom we had believed to be foes, were a regiment of Maryland militia, under the command of Lieutenant Colonel Beall; and my battalion was consequently withdrawn into the field, where it rested upon its arms. The newly arrived regiment passed on to the rear, and took post out of my view, and, as I have since heard, on the opposite side of the main road, where we had halted in the morning, as before stated. It is but justice to the men under my command to observe, in this place, that they went to their posts with cheerfulness, although they were about to contend, as they supposed, with veteran troops, greatly superior in numbers.

Soon after the arrival of Col. Beall's regiment, the enemy was discovered in full march for Bladensburg, along the river road, and we, once more, prepared for battle. I had now, from General Winder, (who had recently come upon the field,) the same orders I had before received for the employment of my men; with this difference only, that General Winder's orders importuned, that it might be proper to place a portion of them upon the left of the battery, which it was undoubtedly of great importance to protect, and which the new order of battle, hereinafter in part explained, seemed to leave without protection, unless a detachment from my battalion should be so applied. In consequence, I detached Captain Aisquith, with the whole of his company, with directions to take, and maintain as long as possible, the most advantageous position there, for the objects indicated by General Winder's orders. I remanded the other two companies to their former stations amongst the bushes; and, after visiting the battery, and remaining there until the first and second shots were fired from it, I resumed my own station (with the battalion officers before mentioned) upon the top of the bank, in the field. A company of militia, under the command of Capt. Doughty, (having muskets only, but acting as riflemen) placed itself, at my instance, on our right, near to the main road, under cover of some bushes and a fence. The fifth regiment, which had been moved from its first position, (where it might have contributed to repulse the enemy in his attempts to leave the vicinity of the bridge) had now, to the great discouragement of my companies and of the artillery, been made to retire to a hill several hundred yards in our rear, but visible, nevertheless, to the enemy, where it could do little more than display its gallantry. The two companies of General Stansbury's brigade, acting as riflemen, had changed their station, so that I no longer perceived them; but I have heard that they still continued at no great dis-

Capture of the City of Washington.

tance from their old ground, although concealed from me by the barn or by trees; my impression, however, is, that they did not, and could not, come into action there. The residue of General Stansbury's brigade had been moved from the left, and made to take ground (invisible to us by reason of the intervening orchard) on the right of the fifth regiment, with its own right resting upon the main road, and disclosed to the enemy. A small body of troops (but under whose command I am uninformed) were drawn up in advance of the left flank of the fifth regiment, and nearly at right angles with it, but, on account of the barn, I did not see it until the two companies of my battalion, which were stationed on the right of the battery, retreated, as will hereafter be mentioned. Of Colonel Beall's very distant station, I have already spoken from hearsay, but, at the time of the action, I knew only that it must be considerably in the rear. Of some artillery in the rear of our right, I had no knowledge, until, during the engagement, I heard its fire, apparently well maintained.

I did not know that Brigadier General Smith's brigade was in or near the field, until the action had ceased; nor was I aware that the artillery of Commodore Barney, Major Peter, Captain Burch, and others, (which, if it had been brought up in time to act upon the bridge, and the road at each of its ends, could not well have failed to insure a triumph over the enemy, especially if supported by a part of the infantry, of which no use was made, and if sufficient care had also been taken to observe the upper ford, to which, perhaps, the enemy might have had recourse, if beaten at the bridge,) was at any time near to us. In a word, I was ignorant of any reinforcements which either preceded, accompanied, or followed General Winder, except only, that I supposed that Captain Doughty's company, and the few troops in advance of the left flank of the fifth regiment, (just before mentioned) and a large body of horse, which was kept idle, had come from Washington.

The enemy having reached Bladensburg, descended the hill, about twelve o'clock, in a very fine style, and soon showed his intention to force his way by the bridge. Assisted by some discharges of rockets, (which were afterwards industriously continued,) he made an effort to throw across the bridge a strong body of infantry, but he was driven back at the very commencement of it, with evident loss, by the artillery in the battery, which principally acted upon the street or road near the bridge, and he literally disappeared behind the houses. The effort was not immediately repeated; but the artillery continued its fire, with a view, as it seemed, to interrupt the discharge of rockets, as in some degree it did, and otherwise to check the enemy's operations.

After a long pause, during which I conjectured (erroneously, as I have since been told) that the enemy, less confident than before of the passage of the bridge, detached a corps of some strength to make its way by the ford, in the old Baltimore road, a second attempt was made to cross the bridge, with increased numbers and greater celerity of movement. This, too, was encountered

by the artillery in the battery, but not with its former success, although it was served with great spirit, and commanded by officers of acknowledged skill and courage. In consequence, a large column of the enemy, which was every moment reinforced, either by the way of the bridge or by the ford immediately above it, was able to form on the Washington side, and to menace the battery, and the inadequate force by which it was to be supported. While the enemy was yet at a distance, the company on our right (commanded by Captain Doughty) discharged their pieces and fled, although he appeared to do all in his power to restrain them, as I myself did. My two companies were now (without other known aid than the other company on the left) to protect the artillery, and to receive the whole force of the enemy, which was rapidly accumulating. Following the example which had been set them by the company on their right, they too began to fire somewhat too soon; but in its progress, their fire was manifestly destructive, and for a short time seemed to produce disorder and hesitation in the enemy's ranks. The enemy, however, soon pressed forward again, and was close at hand when the artillery discontinued its fire. Its danger had become imminent, and it was apparent that it could do nothing more in its actual station to retard the enemy's progress. His advance, which threatened the right of my position, and had almost reached it, was probably out of the line of any fire which the half formed embrasures of the battery would admit; and I should presume that it would have been difficult, if not impracticable, to depress the guns in those embrasures (the ground of the battery being considerably elevated) so as to touch the enemy after his near approach.

My companies were now in that condition that their right was on the point of being turned, and, as the battery was evidently about to be evacuated, and Captain Aisquith's company was too weak to keep the enemy in check on the left, it followed that they were in that quarter exposed to the same peril. Our small force, moreover, (somewhat more than one hundred men) could not hope to make an effectual stand against the enemy, even if he should attack it only in front, where there was very little in the shape of natural obstructions to break his column or impede his march. The line of our retreat, too, to the fifth regiment, (the nearest visible rallying point,) was, of necessity, across the open field in our rear, and only one of my companies had bayonets. Under these circumstances of urgent peril, both companies began, at the same instant, to move towards the artillery, now in the act of limbering its guns. The retreat of my men and of the artillery appeared to be simultaneous. The whole fell back upon the fifth regiment, (on the left flank of which a great part of my two companies were halted, and formed by Captain Dyer, by the adjutant, and sergeant-major,) and the enemy succeeded instantly to their places. I followed in the rear of this retreat, narrowly escaping capture, and found my men in the situa-

Capture of the City of Washington.

tion above described, ready once more to act against the enemy. It is here my duty to say, that, although the predicament in which my two companies were placed, when they moved from the right of the battery, was almost as desperate as it could be, I had given no orders to retire, and did not at that moment intend to do so. I cannot, and certainly do not, blame them for anticipating such orders, when they saw their desolate condition, and discovered that the artillery, with which they had been connected as a supporting force, could not continue its fire, or hope to maintain its ground. My justification for withholding my orders to retreat is, that I had none myself, and further, that having found that the enemy had neither artillery nor cavalry, I thought we might venture upon another fire, which could not be otherwise than deadly, now that the enemy was at a small distance from our muzzles. I have this other justification, (which I hope I shall be pardoned for mentioning,) that, as I was myself on foot, and had no horse near me, I incurred my full share of the hazard of too long a delay. It is not improbable, however, that I was wrong, and that I owed it to these brave men to withdraw them, even at an earlier period, from a post where, beyond all question, if they had remained much longer, they must have been taken prisoners or cut to pieces; at any rate, I take pride in bearing my testimony to their bravery and skill, of which I had many proofs during the severe trial to which they were exposed on that most disastrous occasion, amidst such privations, discouragements, and hardships, as might have subdued the spirit, and beaten down the strength of veteran soldiers.

The fifth regiment had now to receive the enemy; and, with slight exceptions, it kept its ground with exemplary steadiness, and maintained a regular and spirited fire, until after it was ordered by General Winder to retreat, and after the necessity of retreat was perfectly obvious. My men adhered to its left, and did their duty there, and finally retired with it, the whole in considerable disorder. The troops of which I have spoken, (in advance of its left,) appeared to behave well, but were soon withdrawn or driven from their station, which the enemy could, indeed, reach with his shot without being seen by them.

Nothing could be more critical than the situation of the fifth regiment when it began to retire. Its right had been thrown open to the enemy by the precipitate retreat of the greater part, if not the whole of General Stansbury's brigade. Its left had nothing to protect it; and, even if the enemy had sent no force by the ford, on the old Baltimore road, to gain its rear, that which he had pushed on by the mill road, and the ground adjacent, was sufficiently formidable. Its front was singularly liable to be galled with impunity from the orchard, from the barn, and from other covers, within striking distance of which it had been posted, while itself was not covered by anything, and could hardly act upon anything. I speak with the more confidence of the good be-

haviour of this regiment, because I was constantly with my men while they acted with it, except only for two or three minutes, when I was employed in going to and returning from the mill road, immediately on their left, from whence I expected an attack. I was, during all this time, too, on horseback, (having obtained a horse after we were driven from our first position,) and had thus the best opportunities of observation. During a part of this time I saw General Winder zealously engaged in the discharge of his very anxious and arduous duties, and manifesting the courage which becomes a gentleman and a soldier.

Of the conduct of Captain Aisquith's company I know no more than he and others have told me. I feel assured that it did well, and that the enemy felt the effect of the activity and resolution which distinguished it. My battalion sustained some small loss in wounded; and Captain Baden was made prisoner.

A wound inflicted in the field, (from which the 5th regiment and my men retreated, as above stated,) by a musket ball, which struck my right arm in front, a little above the elbow, and passing through it broke the bone, disabled me from further service, and made it necessary that I should not long delay to obtain surgical assistance. In this state I left the field, with (or a little after) the last of our friends, about five or six in number, among whom, I believe, was Mr. Meredith of the 5th. The enemy was then very close, and his fire was incessant but inaccurate. I have no further knowledge of the transaction to which your letter relates.

I have the honor to be, &c.

WM. PINKNEY.

Hon. R. M. JOHNSON, &c.

Captain Burch's Statement.

CITY OF WASHINGTON, Oct. 12, 1814.

SIR: In answer to your request, I make the following statement:

On the 19th of August last, early in the day, I was ordered to call out my company for actual service, being, at the time, informed that the whole body of the militia were ordered into actual service, as it was ascertained that the enemy had landed near Benedict, and were about to proceed to this city. In the evening of that day, the first brigade was paraded, and about one o'clock, P. M., on the 20th, we marched from the city in the direction of Benedict, and encamped for that night about three miles beyond the Eastern Branch, when General Winder took the command. On Saturday, the 21st, we marched on, and encamped that night at the Woodyard, about fourteen miles from this place. On Monday morning it was understood in camp, that the enemy had, by rapid marches, got within a short distance of our encampment; upon which the Commanding General detached Major Peter, with his company of artillery. Captain Davidson's infantry, and Captain Stul's riflemen, as an advanced party, to reconnoitre and hold the enemy in check. They advanced some distance, and were soon after followed by

Capture of the City of Washington.

the brigade, for two miles, when it was halted, and partially formed in order of battle. Major Peter met the enemy, who immediately fled off on the left, and took the road to Upper Marlborough. Major Peter having returned with his command, the whole of the troops were immediately marched back to the Old Fields, where we encamped that night. On Tuesday morning, the same party, under the command of Major Peter, was again sent out to reconnoitre and skirmish with the enemy; and between four and five o'clock of that evening, we learned that they were actually engaged with the British forces. The line of battle was then formed without delay, and we remained so until Major Peter came up and took his position in the line. In a few minutes orders were carried through the line, for an immediate retreat to Washington, as it was said the enemy was too strong for us. I received orders to remain on the ground upon which we were formed, until all the troops had marched, and then, every fifteen minutes, to send off two of my pieces with the proper number of men, until I had despatched all six of them. That, if the enemy appeared in the meantime, (and his appearance was every moment expected,) to open my battery upon him, and continue to fire as long as I could do so in safety, and then retreat as fast as possible, and join the main body. Just as I had despatched the second division of my guns, the aid-de-camp of Brigadier Smith, of the District militia, gave me orders to move off with the whole as fast as possible. As the main body had, by this time, got a considerable distance ahead, I was unable to get up with the rear until they arrived at the Eastern Branch bridge, when my men were so greatly fatigued, that they could scarcely stand by their guns. After we had crossed the bridge into the city, and pitched our tents, between twelve and one o'clock at night, General Winder came to my tent and called me out; he observed that he knew my men were worn down with fatigue and from the loss of rest; but that, in all probability, one of the last good acts which it might ever be in my power to do for my country, would be that night. He wished me to take thirty of my men, with three of my guns, and defend the passage of the lower Eastern Branch bridge, as he had reason to believe the enemy would attempt the passage of it that night. General Winder further observed, that he had some time before left directions at the Navy Yard for a boat to be sent to the bridge, with combustibles to blow it up, in case it became necessary, but that his orders had not been attended to, and that he should not go to rest until he had sent me the boat. I took my thirty men and three guns, and proceeded to the foot of the bridge, with orders to open upon the enemy, if he appeared, as soon as our rear guard had come over, and that if the enemy succeeded in getting upon the bridge, to set fire to the boat and blow it up, and then to resume my position and recommence my fire. A little before daybreak the boat arrived, and was placed under the arch next the draw. I kept this position without rest or refreshment until ten o'clock on Wednesday morn-

ing, the 24th, when I was relieved by Commodore Barney. I was then ordered to leave one of my pieces and fifteen men at the bridge, under the direction of Colonel Wadsworth, and proceed on with the balance immediately to Bladensburg. I did so, and when I arrived near the latter place, I was again ordered to leave two of my guns and a party of men in the main road, and push on with the remaining three and the residue of my men, and to report myself at Bladensburg to General Winder. I proceeded until I arrived within a short distance of Bladensburg, when I found much difficulty in finding the General. I rode up and down the whole line in search of him, and when I returned, I found that my guns had been moved off to the left; I followed on and overtook them just as they were formed in battery near the extreme left of the line. I there discovered the General, and applied to him for directions; he replied, "Captain, there is the enemy, (pointing to the British who were then in plain view,) take charge of your pieces." I dismounted, and took charge of my pieces, and in a few moments we opened our fire, which proved to be very galling to the enemy, and after firing about fifteen rounds, the fifth regiment of Baltimore advanced and commenced their fire. By the advance of this regiment one of my guns was masked, which rendered it useless; the other two continued the fire with much effect. The infantry, who were posted on my right as a protection to my pieces, having given way, General Winder, in person, ordered me to limber and retreat. I did not do so immediately, but fired two or three rounds, when the General repeated his order in a peremptory manner. We retreated a few yards, when he observed to me that he thought I might venture to unlimber one of my pieces and give them another fire. I was in the act of doing so, but as the enemy advanced so rapidly he countermanded it, and again ordered me on. I saw no more of the General that day: the reason was, that after retreating a mile or two, I was so exhausted from fatigue, fasting and heat, I was unable to keep up with my guns, and fell behind them some yards. I fainted by the side of a fence unobserved by my men. After missing me they supposed I had been taken prisoner. When I came to my recollection, I found myself ill of a fever, notwithstanding which, I procured a horse, and found and joined my company on the route from Montgomery Courthouse to Baltimore, and marched with them to Snell's bridge, where we were halted, and afterwards countermarched to this place.

BENJAMIN BURCH,
Captain Washington Artillery.

HON. R. M. JOHNSON.

Captain Caldwell's Statement.

The following is believed to be nearly a correct estimate of the cavalry on the ground, at the battle of Bladensburg, 24th August last: -
Col. Lavall's United States' troops, about - 120

Capture of the City of Washington.

A squadron of Colonel Tilghman's regim't,	
M. M., about - - - - -	75
A squadron, command of Major Ridgely,	
M. M., about - - - - -	100
Captain Herbert's troop, M. M., about -	40
Captain Graham's troop, Virginia, about -	40
Total - - - - -	375

The Alexandria troop, under Captain Thornton, and the Georgetown troop, under Lieutenant Williams, (both small,) accompanied Colonel Monroe on the first day of the alarm to reconnoitre the enemy, and had so many detached on different duties as left but a few scattering ones on the field.

Part of the Washington troop were attached to General Winder, and had been generally detached in carrying expresses or conveying orders; the remainder were on vidette duty. On the morning of the 24th they were sent to patrol the road between the Eastern Branch bridge and the enemy, and did not leave the rear of the enemy in time to cross the bridge and join the army, till the army was on the retreat, except three or four, who were employed in conveying orders, &c., or wherever they could be useful.

E. B. CALDWELL.

Statement of General Hungerford.

On the 23d of July was called on by the Executive of Virginia, to take command of the militia in the Northern Neck; after which General Madison was called into service, and Major General Parker, to take the command of the two brigades under Hungerford and Madison. On the eighteenth of August General Winder wrote to General Hungerford to march with expedition to the city, with the forces under his command. This letter was received on the 21st, at camp Nominy Hall, in the Northern Neck, about one hundred and twenty-five miles from Washington. His force consisted of three regiments, under Colonels Boyd, Branham, and Parker. About fourteen hundred men, effectives, marched on towards the city, and Colonels Downey and Chawning, who were in the counties of Northumberland and Lancaster, were directed to follow with their regiments.

A letter was received from Colonel John Tayloe on the 24th, dated the 23d, stating that the Secretary of War required despatch, and directed the troops to march on by regiments, or even companies, if necessary. On Sunday, the 28th, was at Neabsco, about twenty-four miles from Alexandria; was waited upon by a committee from Alexandria about two o'clock, who delivered a communication from the corporation of Alexandria, stating that the town had no artillery or military force to protect it, and they intended to surrender at discretion to the enemy; and that the town being under the command of the civil authority, it would be injurious to the town for any military forces to march to Alexandria. General Hungerford informed the commit-

tee that he should move on, and be governed by circumstances. He received a line on the same day from Colonel Monroe, directing him to march with all possible despatch to Alexandria, and if the enemy had passed Alexandria to march on to the city.

On the morning of the 29th, about ten miles from Alexandria, another deputation waited on General Hungerford, with a printed order of the corporation, amounting to a request that he should not proceed on to Alexandria, and interrupt the arrangement made with the enemy. To this communication General Hungerford replied, that he was acting under the orders of the Government, and should execute those orders, and accordingly proceeded on his march. When within three miles of Alexandria he was met by Walter Jones, Esq., who informed him that the President and Colonel Monroe desired him to station his forces in the rear of Alexandria; detach five hundred men to the height just below Mason's Island, and send one hundred and fifty or two hundred to Aquia, to co-operate against the enemy. A written order was received from Colonel Monroe to the same effect that evening. General Hungerford arrived with the three first regiments in the rear of Alexandria on the 29th, about five o'clock in the evening, where he remained till the first day of September. He was then ordered to the White House, with a part of his forces, to co-operate with the naval forces under Commodore Porter.

No. 9.

Report from the Navy Department, including the official report of Commodore Barney.

NAVY DEPARTMENT, Oct. 3, 1814.

SIR: In compliance with your letter of the 26th instant, as chairman of the committee appointed by the honorable House of Representatives, "to inquire into the causes of the success of the enemy in his enterprises against this metropolis, and the neighboring town of Alexandria; and into the manner in which the public buildings and property were destroyed, and the amount thereof;" and with your request "for such information on the subject as may be in my power, and more particularly in relation to the destruction of the Navy Yard, and the amount of public property destroyed," I have the honor to present the following report of the measures adopted by this Department, and of the facts within my knowledge, in relation to the objects of this inquiry:

In obedience to the general instructions and early solicitude of the President, in anticipation of the probable designs of the enemy to harass the country in this vicinity, and to attempt the invasion of this metropolis, I directed, in the month of May last, three twelve-pounders to be mounted on field carriages, by the mechanics of the Navy Yard, and completely equipped and furnished for field service. To these the marines at headquarters were trained, under the command of Captain Miller, and prepared to act either as

Capture of the City of Washington.

artillerists or infantry, as the service might require. A short time previous to the reinforcement of the enemy in the Patuxent, I caused two long eighteen pounders to be mounted on field carriages, and prepared in like manner for field service, ready to be attached to the command of Commodore Barney, should the enemy at any time compel him to abandon the flotilla under his command on the Patuxent, and the emergency call for the aid of his force in defence of the capital or of Baltimore.

For this eventual service that officer was instructed to prepare; and by his zeal and activity his men acquired the expert use of their muskets, and a capacity, as well as an ardent disposition to be useful to their country on either element.

On the 26th of July, in consequence of the menacing movements of the enemy near the Kettle Bottoms, in the Potomac, which it was said they were sounding and buoying off, the letter A was written; but, on account of information received on the same day, the letter B, countermanding the former, was written.

The enemy in the Patuxent was occupied in depredating upon its shores, until large reinforcements arrived at the mouth of that river on the 18th of August, the account of which was communicated on the 19th to the Department, by Commodore Barney, in the letter C, with a list of the naval force of the enemy annexed.

On the morning of the 19th, information was received at the Department from Captain Gordon, commanding the United States' naval force at Norfolk, that, on the morning of the 16th came in from sea, and proceeded up the bay, twenty-two sail of enemy's vessels, viz: two seventy-fours, one sixty-four, one razee, seven frigates, seven transports, and two or three brigs or schooners, which, it appears by letter C, joined the force at the mouth of the Patuxent on the 18th; the whole of which ascended the Patuxent near to Benedict, on the 18th and 19th, and commenced debarking the troops. The letter marked D was immediately written to Commodore Barney; and the letter E to Commodore Rogers; and the letter F to Captain Porter; urging the two latter to repair with their forces towards this city with the utmost expedition.

Commodore Rodgers had previously made the most judicious arrangements to transport, with celerity, the marines and the principal part of the seamen under his command on the Delaware station, to the head-waters of the Chesapeake, or to Baltimore, upon any sudden emergency; and had organized and disciplined his men with a view to such service. It appears, however, by his letters G and H, that, with every possible exertion, he did not reach Baltimore until the 25th, consequently too late to participate in the defence of the metropolis, against a force, the greater part of which came in from sea on the 16th, was first known to the Department to have arrived on the 19th, marched from Benedict on the 20th, and entered the capital on the 24th.

Having sent to General Winder on the 19th a copy of letter C, on the 20th I called on him at

his quarters, at McKeowin's, to show him the letter I had just received from Commodore Barney, and my order to that officer to join and co-operate with the force under his command, (see letter K,) also to point out those volunteer corps in his army that comprised the mechanics of the Navy Yard, who, being excellent axemen, would act with great effect as pioneers. As it was understood that a strong squadron of the enemy's ships, in co-operation with his land force, had passed the principal obstacle in the Potomac, and was only retarded in its ascent by contrary winds, against which it was warping with great exertion, I expressed to him my solicitude for the defence of Fort Washington, and proposed to throw the marines, who had been trained to artillery exercise, and a part of the seamen, into that fort, for its defence.

The General did not conceive the state of his force such as to warrant the abstraction of so efficient a part as that of the marines and seamen from the main body, which was to oppose the direct advance of the enemy's army on the city; and, indeed, his objection appeared to have weight. He did not, however, consider Fort Washington as tenable.

On the 21st the letter L was received from Commodore Barney, and a detachment of about one hundred and ten marines, with three twelves and two eighteen pounders, under the command of Captain Miller, marched from the headquarters to join Commodore Barney, and reached the Woodyard that evening.

In the course of this day and the following I visited the Navy Yard, and inquired of the commandant what were the means of transportation, and what assistance he had in the yard? He stated that all the mechanics of the yard were, and had been, with the army from the first alarm; that no persons remained but the officers of the yard, three besides himself, and a very few of the ordinary, chiefly blacks; that two of the old gunboats were the only craft for transportation; that all the wagons in the District had been hired or impressed for the army; and that those blacks who were usually to be had for hire, were employed on the works at Bladensburg.

I directed him to employ all the means he had, or could procure, to load the gunboats with provision and powder, and send them up to the Little Falls; employ as many wagons as could be either hired or impressed, and convey as much of the navy powder as possible from the magazine, on the Eastern Branch, to Mr. Dulany's barn, on the Virginia side of the Potomac, about nine miles above the city; to direct Messrs. Grayson, Stull, and Williams, to transport the public powder from their works to the same place; and to continue transporting the most valuable and portable articles from the yard to any place of safety, with all the means he could command.

The public vessels afloat at the Navy Yard were the new sloop of war *Argus*, with her guns mounted, her topmasts launched, and her sails and detached equipments complete on shore in store; the new schooner *Lynx* and three new

Capture of the City of Washington.

barges, one of the first and two of the second class, completely equipped, with the two gunboats before mentioned.

On the slip was the new frigate *Columbia*, of the largest class, caulked, ready for coppering, and nearly so for launching. Her masts, spars, tops, &c., almost finished in the mast-house; gun carriages nearly completed; her sails made, and in the loft; her rigging fited; blocks all made; and her equipments, generally, in great forwardness.

Besides the buildings, engines, fixtures, and shop furniture, of the several mechanical branches in the Navy Yard, there were about one hundred tons of cordage, some canvass, a considerable quantity of saltpetre, copper, iron, lead, block tin, blocks, ship chandlery, naval and ordnance stores, implements, and fixed ammunition, with a variety of manufactured articles in all the branches; seventeen hundred and forty-three barrels of beef and pork, two hundred and seventy-nine barrels of whiskey, and a moderate stock of plank and timber.

Had there been a prospect of transporting the sloop of war *Argus* to a place of safety, the representations of the commandant will show that he had not the means of transporting her, and there appeared to be no situation in which she could be placed, in which she would not fall into the hands of the enemy, in the event of his getting possession of the city. It, therefore, only remained to endeavor to save all the stores that could be transported, and the small vessels, particularly the barges, if practicable, by running them up to the Little Falls. This was directed to be done.

On the 22d the letter M was received from Commodore Barney. In the evening of that day I accompanied the President to General Winder's camp at the Old Fields, and passed the night in Commodore Barney's tent; the army of the enemy at Upper Marlborough, eight miles distant. On the morning of the 23d reviewed the seamen and marines, whose appearance and preparations for battle promised all that could be expected from cool intrepidity, and a high state of discipline.

In the hope that Commodore Rodgers might arrive that evening at Baltimore, and not doubting that the enemy would be retarded on his march by obstacles and annoyance, until the seamen from Baltimore could reach Bladensburg, I wrote to Commodore Rodgers the letter marked N, and sent it by a vidette.

About two o'clock P. M. I accompanied the President on his return to the city, and, in the course of the evening, was informed of the sudden retreat of our army from the Old Fields to the city, over the Eastern Branch bridge.

On the morning of the 24th I proceeded to General Winder's quarters, at Doctor Hunter's house, near the Eastern Branch bridge, where the President, and the Secretaries of War, State, and Treasury, soon after arrived.

I found Commodore Barney employed, by order of the General, in planting his battery on the hill, near the head of the bridge. He was

charged to defend that pass, and to destroy the bridge on the approach of the enemy; for which purpose scows and boats, with combustible materials, were placed under the bridge, ready to explode. At this time the enemy was apparently advancing on the road to the bridge; but shortly after, advice was received that he had turned off on the road towards Bladensburg, about six miles from that place. General Winder set off for Bladensburg, leaving Commodore Barney, with his seamen and marines, in charge of the bridge.

It was soon observed that a very efficient part of the force had been left to destroy the Eastern Branch bridge, which could as well be done by half a dozen men as by five hundred. The subject was discussed by the President, Heads of Departments, and Commodore Barney, which resulted in the order for his immediate and rapid march, to join the army near Bladensburg, which he reached just in time to form his men for battle. Captain Creighton was left in charge of the bridge, to destroy it on the near approach of the enemy.

I here presented, for consideration, the subject of the Navy Yard, to the view of the President and Secretary of War, in the presence of the Secretaries of State and of the Treasury. I described the situation of the public vessels, and the nature of the public property at that establishment; the vast importance of the supplies, and of the shipping, to the enemy, particularly as there appeared to be no doubt of his squadron forming a junction with his army, should it succeed in the conquest of the capital, (General Winder having distinctly stated on the same morning that Fort Washington could not be defended;) and as, in this event, nothing could be more clear than that he would first plunder and then destroy the buildings and improvements, or, if unable to carry off the plunder and the shipping, he would destroy the whole; and if the junction should be formed, it would a strong inducement to the enemy to remain, in order to launch the new frigate, which the force at his command would accomplish in four or five days. He would then carry off the whole of the public stores and shipping, and destroy the establishment, and, in the meantime, greatly extend the field of his plunder and devastation. Thus, in either case, whether the junction was formed, or whether the army alone entered the city, the loss or destruction of the whole of the public property at the Navy Yard was certain.

It was therefore, distinctly agreed and determined, as the result of this consultation, that the public shipping, and naval and military stores, and provisions at the Navy Yard, should be destroyed, in the event of the enemy's obtaining possession of the city.

I went to the Navy Yard about two o'clock, and ordered the commandant to prepare the necessary trains for the destruction of the public shipping, and of the naval and military stores, and provisions, in the Navy Yard, and to destroy the same, so soon as he should ascertain that the enemy had taken possession of the city; first re-

Capture of the City of Washington.

moving such articles of most value, as might be found practicable, particularly the new barges, if possible, and then retire in his gig.

Subsequent events prove the justness of these conclusions, if, indeed, further evidence had been at all wanting.

The only legitimate objects of the enterprise of the enemy to this place, were the public shipping and the naval and military establishments; and none can believe that these would have escaped the torch of the destroyer of our civil edifices, of private rope-walks, and everything in the most remote degree connected with navigation; but, above all, with the American Navy.

The order for the destruction of the public shipping and property at the Navy Yard was not issued without serious deliberation and great pain by him, under whose auspices and direction those noble ships had been constructed, and a degree of activity, usefulness, and reputation, imparted to the establishment, which it had never known before. It was given under the strongest obligations of duty. It is conceived that no military maxim is better established, nor duty better understood, than that which enjoins the destruction of public ships, arsenals, naval and military stores, and provisions, when they can be no longer defended, or prevented from falling into the hands of the enemy; and that this duty becomes the more imperative, as the ratio of the value of the objects is enhanced to the enemy. To defend the shipping or Navy Yard was out of the question; all the mechanics and laborers of the yard, as well as all the seamen and marines in the District, were with the army.

The Commandant of the Navy Yard is a captain in the Navy; the vessels and property were under his charge and command; and if no special order from the Department had been issued, and he had suffered the public shipping and property to have fallen into the hands of the enemy, he would have committed a high military crime, for which he would have been amenable before a court martial. The objects which it was proper to destroy, in order to prevent their falling into the hands of the enemy, could not be separated from those which might have been left for his destruction. They were in store, or in the midst of other combustible materials, and the fire from one would necessarily communicate to the other. Indeed, the whole surface of the yard was covered with ships, timber, pitch, tar, and other combustible matter, so that to set fire to any one object, must produce the successive conflagration of the whole.

On returning from the Navy Yard, towards the western part of the city, I learned that our army had retreated by the road to Tenleytown, and that of the enemy was rapidly advancing towards the city. I soon after received a message from the President, by Mr. Tench Ringgold, at Mr. Charles Carroll's, informing me that he had proceeded to cross the river, and requested that I would follow and meet him on the other side.

I returned to the city on the morning of the 28th, immediately on hearing of the retreat of

the enemy, and wrote the letter O to Commodore Rodgers.

The paper P is a copy of the detailed report of the Commandant of the Navy Yard, of the manner in which he carried into execution the order I had given.

The barge he states to have been saved was sent to Alexandria, and, it appears, remained there until the enemy took possession of her.

One gunboat was sunk near Foxall's, laden with salted provisions, and has since been recovered. The other was laden with provisions and gunpowder, but ran aground in the Eastern Branch, in attempting to transport her to the Little Falls, and was plundered by the inhabitants near the Navy Yard; the powder and part of the provisions have since been recovered.

The new schooner Lynx escaped the flames in an extraordinary manner, and remains entire.

The metallic articles have nearly all been saved, including a vast quantity of iron work, which, with little labor, will answer the original purpose.

The timber that was in the dock is saved; and a great deal of that which was partially consumed, will be useful.

Almost the whole of the machinery of the steam engine is reported to be in good condition; the boiler is perfect.

The buildings, with the exception of the houses of the commandant and lieutenant of the yard, the guard houses, and gateway, and one other building, have been destroyed. The walls of some appear to be entire, and but little injured; of others they are destroyed.

The monument was but slightly injured.

Paper Q is a list of the cannon remaining perfect in the yard, and of those which were injured by the enemy.

The issuing store of the yard, and its contents, which had escaped the original conflagration, were totally destroyed by the enemy.

Orders have been issued to the officers of the yard to prepare their statements and estimates of the value of public property destroyed, which shall be furnished as soon as possible.

With the circumstances attending the abandonment and destruction of Fort Washington, and the fate of Alexandria, I am no otherwise acquainted than by the accounts which have been published.

After the capitulation of Alexandria to the enemy's squadron, a considerable force, in seamen, was ordered from Baltimore, (See letter R,) under the command of Commodore Rodgers, with Captains Porter, Perry, and Creighton. The former attacked and annoyed the enemy in his rear, in boats and with fire vessels, whilst the other commanders planted their batteries on White House Point and Indian Head.

Those measures precipitated the departure of the enemy, and greatly annoyed him in descending the river; but there was not time sufficient to prepare the means to render that annoyance effectual. All that the limited means employed could possibly effect, was accomplished, by the gallantry, skill, and patriotism, of those distin-

Capture of the City of Washington.

guished officers, and the brave seamen, marines, and volunteers, under their command.

The measures pursued by this Department, in order to co-operate in the defence of the Metropolis, were not, in their nature, strictly sanctioned by the regulations and usages of the naval service, but were adopted with an ardent desire that they might prove effectual; with a certain knowledge that the zeal and patriotism of the naval corps would induce them to seek the enemy, with equal vigor and cheerfulness, in the field as on the main; and a conviction that the emergency fully justified any step which could contribute to the defence of the National Capital.

Whether more or less has been done than duty required, is cheerfully and respectfully submitted. I have the honor to be, &c.

W. JONES.

Hon. R. M. JOHNSON, *Chairman, &c.*

NAVY YARD, WASHINGTON,
October 18, 1814.

SIR: On a review of the consequences which emanated from the retreat of our army, and the entrance of that of the enemy into this city, on the twenty-fourth of August last, so far as relates to this establishment, I respectfully submit the following general statement:

After receiving repeated contradictory reports, relative to the strength and position of the enemy, during the afternoon and evening of that day, at twenty minutes past eight, P. M., I received incontestable proof (by Captain Creighton, and Mr. M. Booth, my clerk, both of whom had been voluntarily active to obtain me positive information) that the enemy was in complete possession of the city, having themselves been within the range of, and exposed to, the fire of his musketry.

The boats for our conveyance from the yard being stationed according to order, we immediately repaired down the yard, applying fire to the trains leading to the storehouses, the principal of which were almost instantly in irresistible flames.

Advancing towards the boats, those to the new frigate Essex,* and to the sloop of war Argus, were touched, and they also immediately enveloped in a sheet of inextinguishable fire.

From a momentary impulse, and faint hope of recovering the new schooner Lynx, I directed her not to be fired, and have the satisfaction to say, that, by an almost miraculous escape, she is still "ours."

The frigate Essex's hull, in the shipwright's department, was very near complete, her bottom ready for coppering, and she could have been launched in ten days; her masts and spars were nearly finished, with timber sufficient on the wharf to complete them; all her blocks, dead-eyes, and the major part of her gun carriages, ready; two suits of her heavy sails, and nearly the same

quantity of her others, were finished in the sail loft, ready for bending; her standing rigging, &c., fitted in the rigging loft, and sufficient running rigging in store for her complete equipment; her largest boats nearly ready for launching; all her water casks, and every material of cooper's work, ready to go on board.

The sloop of war Argus lay at the wharf, with all her armament and equipment on board, except her sails, which were in the sail loft, and her provisions in the stores, and therein consumed; and except her powder, which had not been shipped.

A large quantity of timber, plank, knees, &c., were in different parts of the yard, and the seventy-four gun ship timber, stored in the appropriate sheds, all fell a prey to the devouring element; also one large and one smaller row galley, both armed, rigged, and prepared for service; and three heavy armed scows, with their guns, &c. on board also ready.

The buildings destroyed by the fire from the frigate, &c., were, the mast shed and timber shed; the joiners' and boat builders' shops, and mould loft; all the offices; the medical store; the plumbers' and smiths' shops, and blockmakers' shop; the saw mill and block mill, with their whole apparatus, tools, and machinery; the building for the steam engines, and all the combustible parts of its machinery and materials; the rigging loft; the apartments for the master and the boatswain of the yard, with all their furniture; the gun-carriage makers' and painters' shops, with all the materials and tools therein at the time; also, the hulls of the old frigates Boston, New York, and General Greene.

The storehouses first fired were the provision stores, gunner's and ordnance store, cordage store, and sail loft; which, with all their perishable contents, were consumed.

The navy storekeeper's detail issuing store, containing in its different departments a large quantity of new canvass, twine, lines, bunting, and colors; together with all our stocks of mathematical instruments, and nautical apparatus, appertaining to navigation; ship chandlery, tools, nails, oils, paints, &c., had escaped through the night the effect of the fire, but was fired by the enemy on the succeeding morning, the twenty-fifth, and entirely consumed, with all its contents; as were also the coopers' shop, two small frame timber sheds, and that in which our tar, pitch, rosin, &c., were deposited.

The general loss of our papers prevents the possibility of forming a just estimate of the loss in the mechanical departments heretofore enumerated. Of that relative to the stores on hand, in the navy storekeeper's peculiar charge, it is presumed a tolerable accurate estimate may be formed, and will be the subject of a future communication, which shall be transmitted as soon as it is possible to effect.

On my return to the yard on the twenty-sixth, I had the mortification to observe, that the provisions which had been laded on board the old gunboat, No. 140, (and with which she had grounded in endeavoring to get out of the Branch, on the

* The Columbia, as designated in my report of the third instant, but called the Essex, by the Commandant, upon the presumption that her name was to have been changed.

Capture of the City of Washington.

(twenty-fourth) had become a prey to numerous unauthorized persons, some of whom, however, instantly offered to deliver up all in their possession, which was subsequently done, but several barrels are yet to be accounted for.

A subject of still greater regret is the loss of upwards of two hundred barrels of powder, which were wantonly and unauthorizedly taken out of the magazine, and chiefly thrown into the water, the cause of which, however, being under investigation by a court martial, on the corporal of the marine guard then there, I forbear to enlarge on the subject as my feelings would dictate.

I have the honor to be, &c.

THOMAS TINGEY.

Hon. WILLIAM JONES.

NAVY YARD, WASHINGTON,
August 27, 1814.

SIR: After receiving your orders of the twenty-fourth, directing the public shipping, stores, &c., at this establishment, to be destroyed, in case of the success of the enemy over our army, no time was lost in making the necessary arrangements for firing the whole, and preparing boats for departing from the yard, as you had suggested.

About four P. M., I received a message by an officer, from the Secretary of War, with information that he "could protect me no longer." Soon after this I was informed that the conflagration of the Eastern Branch bridge had commenced; and, in a few minutes, the explosion announced the blowing up of that part near the "draw," as had been arranged in the morning.

It had been promulgated, as much as in my power, among the inhabitants of the vicinity, the intended fate of the yard, in order that they might take every possible precaution for the safety of themselves, families, and property.

Immediately several individuals came, in succession, endeavoring to prevail on me to deviate from my instructions, which they were invariably informed was unavailing, unless they could bring me your instructions in writing, countermanding those previously given. A deputation also of the most respectable women came on the same errand, when I found myself painfully necessitated to inform them, that any further importunities would cause the matches to be instantly applied to the trains; with assurance, however, that, if left at peace, I would delay the execution of the orders as long as I could feel the least shadow of justification. Captain Creighton's arrival at the yard, with the men who had been with him at the bridge, (probably about five o'clock,) would have justified me in instant operation, but he also was strenuous in the desire to obviate the intended destruction, and volunteered to ride out and gain me positive information as to the position of the enemy, under the hope that our army might have rallied and repulsed them. I was myself, indeed, desirous of delay, for the reason that the wind was then blowing fresh from the south-southwest, which would most probably have caused the destruction of all the private

property north and east of the yard, in its neighborhood. I was of opinion, also, that the close of the evening would bring with it a calm, in which happily we were not disappointed. Other gentlemen, well mounted, volunteered, as Captain Creighton had done, to go out and bring me positive intelligence of the enemy's situation, if possible to obtain it.

The evening came, and I waited with much anxiety the return of Captain Creighton, having almost continual information that the enemy were in the neighborhood of the marine barracks; at the Capitol Hill; and that their "advance" was near Georgetown. I therefore determined to wait only until half past eight o'clock, to commence the execution of my orders, becoming apprehensive that Captain Creighton had, from his long stay, fallen into the hands of the enemy. During this delay I ordered a few marines, and other persons who were then near me, to go off in one of the small galleys, which was done, and the boat is saved. Colonel Wharton had been furnished with a light boat, with which he left the yard probably between seven and eight o'clock. At twenty minutes past eight Captain Creighton returned; he was still extremely averse to the destruction of the property, but having informed him that your orders to me were imperative, the proper disposition of the boats being made, the matches were applied, and in a few moments the whole was in a state of irretrievable conflagration. When about leaving the wharf I observed the fire had also commenced at the works at Greenleaf's Point, and in the way out of the Branch we observed the Capitol on fire. It had been my intention not to leave the vicinity of the Navy Yard with my boat during the night; but, having Captain Creighton and other gentlemen with me, she was too much encumbered and overladen to render that determination proper. We, therefore, proceeded to Alexandria, in the vicinity of which I rested till the morning of the 25th, when, having also refreshed the gig's crew, we left Alexandria at half past seven o'clock, and proceeded again up to the yard, where I landed, unmolested, about a quarter before nine.

The schooner *Lynx* had laid along side the burning wharf still unhurt; hoping, therefore, to save her, we hauled her to the quarter of the hulk of the *New York*, which had also escaped the ravages of the flames. The detail-issuing store of the Navy Storekeeper had remained safe from the fire during the night, which the enemy, (being in force in the yard,) about eight o'clock, set fire to, and it was speedily consumed.

It appeared that they had left the yard about half an hour when we arrived. I found my dwelling-house, and that of Lieutenant Haradan untouched by fire; but some of the people of the neighborhood had commenced plundering them; therefore, hastily collecting a few persons known to me, I got some of my most valuable materials moved to neighbors' houses out of the yard, who tendered me their offers to receive them; the enemy's officer having declared private property sacred. Could I have staid another hour, I had

Capture of the City of Washington.

probably saved all my furniture and stores; but being advised by some friends that I was not safe, they believing that the Admiral was, by that time, or would very speedily be, informed of my being in the yard; he having expressed an anxious desire to make me captive; but had said that the officers' dwellings in the yard should not be destroyed.

I, therefore, again embarked in the gig, taking along, out of the Branch, one of the new launches, which lay safe, although alongside of a floating stage enveloped in flames. I had no sooner gone than such a scene of devastation and plunder took place, in the houses, (by the people of the neighborhood,) as is disgraceful to relate; not a moveable article from the cellars to the garrets has been left us, and even some of the fixtures, and the locks of the doors, have been shamefully pillaged. Some of the perpetrators, however, have been made known to me.

From the number and movements of the enemy it would have appeared rash temerity to have attempted returning again that day, though my inclination strongly urged it; therefore, reconnoitering their motions, as well as could be effected at a convenient distance, in the gig, until evening, I again proceeded to Alexandria for the night.

Yesterday morning, the 26th, it was impossible to form (from the various and contradictory reports at Alexandria) any sort of probable conjecture, either of the proceedings or situation of our army, or that of the enemy.

Determining, therefore, to have a positive knowledge of some part thereof, from ocular demonstration, I again embarked in the gig, proceeding with due caution to the yard, where I learned with chagrin the devastation and pillage before mentioned, and found, also, to my surprise, that the old gunboat, which had been loaded with provisions, and grounded in endeavoring to get out of the Branch, on the evening of the 24th, was nearly discharged of her cargo by a number of our people, without connexion with each other.

Having landed in the yard I soon ascertained that the enemy had left the city, excepting only a sergeant's guard, for the security of the sick and wounded. Finding it impracticable to stop the scene of plunder that had commenced, I determined instantly on repossessing the yard, with all the force at my command; repairing, therefore, immediately to Alexandria, Lieutenant Haradan, the ordinary men, and a few marines there, were ordered directly up, following myself, and got full possession again at evening.

I am now collecting the scattered purloined provisions, ready for your orders, presuming they will now become very scarce indeed; the quantity saved, you shall be informed of, when known to me.

The *Lynx* is safe, except her foremast being carried away, in the storm of the 25th, about four P. M. We have also another of the gunboats, with about one hundred barrels of powder, and one of the large yard cutters, nearly full with the

filled cylinders, for our different guns, previously mounted. The powder of those, however, is probably much wetted by the storm. I would most willingly have an interview with you, but deem it improper to leave my station without some justifiable cause, or in pursuance of your instructions, under which I am ready to proceed wherever my services may be thought useful.

I have the honor to be, &c.

THOMAS TINGEY.

HON. W. JONES.

P. S. *Sunday morning, 28th.*—After terminating the foregoing, last evening, I had scarcely laid down my pen when a smart cannonading commenced at, or from, Fort Washington; which continued from heavy cannon, until after seven o'clock, during which it appeared as if two or three severe explosions had taken place. No doubt that it was between the enemy's frigates and the fort; but as to the result I am entirely without information; nor have I at command the means of obtaining it; the wind blowing too fresh up the river for a light boat to make any progress down. I shall hire sufficient hands, as soon as practicable, and collect all the materials unhurt by the fire; which shall be suitably deposited and protected.

T. T.

FARM AT ELK RIDGE,

August 29, 1814.

Sir: This is the first moment I have had in my power to make a report of the proceedings of the forces under my command since I had the honor of seeing you at the camp at the "Old Fields." On the afternoon of that day we were informed that the enemy was advancing upon us. The army was put under arms, and our positions taken; my forces on the right, flanked by the two battalions of the 36th and 38th, where we remained some hours; the enemy did not make his appearance. A little before sunset General Winder came to me, and recommended that the heavy artillery should be withdrawn, with the exception of one twelve-pounder to cover the retreat. We took up our line of march; and, in the night, entered Washington by the Eastern Branch bridge. I marched my men, &c., to the Marine barracks, and took up quarters for the night, myself sleeping at Commodore Tingey's, in the Navy Yard. About two o'clock General Winder came to my quarters, and we made some arrangements for the morning. In the morning I received a note from General Winder, and waited upon him. He requested me to take command, and place my artillery to defend the passage of the bridge on the Eastern Branch, as the enemy was approaching the city in that direction. I immediately put my guns in position, leaving the marines and the rest of my men at the barracks to wait further orders. I was in this situation when I had the honor to meet you, with the President and Heads of Departments, when it was determined I should draw off my guns and men, and proceed towards Bladensburg, which was immediately put into execution. On

Capture of the City of Washington.

our way I was informed the enemy was within a mile of Bladensburg; we hurried on. The day was hot, and my men very much crippled from the severe marches we had experienced the days before, many of them being without shoes, which I had replaced that morning. I preceded the men, and when I arrived at the line, which separates the District from Maryland, the battle began. I sent an officer back to hurry on my men; they came up in a *trot*; we took our position on the rising ground; put the pieces in battery; posted the marines under Captain Miller; and the flotilla men, who were to act as infantry, under their own officers, on my right, to support the pieces, and waited the approach of the enemy. During this period the engagement continued, and the enemy advancing, our own army retreating before them apparently in much disorder. At length the enemy made his appearance on the main road, in force, and in front of my battery, and, on seeing us, made a halt. I reserved our fire. In a few minutes the enemy again advanced, when I ordered an eighteen-pounder to be fired, which completely cleared the road; shortly after a second and a third attempt was made, by the enemy, to come forward, but all were destroyed. They then crossed over into an open field, and attempted to flank our right; he was there met by three twelve-pounders, the marines under Captain Miller, and my men, acting as infantry; and again was totally cut up. By this time not a vestige of the American army remained, except a body of five or six hundred, posted on a height, on my right, from whom I expected much support from their fine situation.

The enemy, from this period, never appeared in force in front of us; they pushed forward their sharp shooters, one of which shot my horse under me; who fell dead between two of my guns. The enemy, who had been kept in check by our fire, for nearly half an hour, now began to outflank us on the right; our guns were turned that way; he pushed up the hill, about two or three hundred, towards the corps of Americans stationed as above described; who, to my great mortification, made no resistance, giving a fire or two, and retired. In this situation we had the whole army of the enemy to contend with. Our ammunition was expended, and, unfortunately, the drivers of my ammunition wagons had gone off in the general panic. At this time I received a severe wound in my thigh; Captain Miller was wounded; Sailingmaster Warner killed; Acting Sailingmaster Martin killed, and Sailingmaster Martin wounded; but, to the honor of my officers and men, as fast as their companions and messmates fell at the guns, they were instantly replaced from the infantry.

Finding the enemy now completely in our rear, and no means of defence, I gave orders to my officers and men to retire. Three of my officers assisted me to get off a short distance, but the great loss of blood occasioned such a weakness that I was compelled to lie down. I requested my officers to leave me, which they obstinately refused; but, upon being ordered, they

obeyed; one only remained. In a short time I observed a British soldier, and had him called, and directed him to seek an officer; in a few minutes an officer came, and, on learning who I was, brought General Ross and Admiral Cockburn to me. Those officers behaved to me with the most marked attention, respect, and politeness, had a surgeon brought and my wound dressed immediately. After a few minutes' conversation, the General informed me (after paying me a handsome compliment) that I was paroled, and at liberty to proceed to Washington or Bladensburg; as, also, Mr. Huffington, who had remained with me, offering me every assistance in his power, giving orders for a litter to be brought, in which I was carried to Bladensburg. Captain Wainwright, first captain to Admiral Cochrane, remained with me, and behaved to me as if I was a brother. During the stay of the enemy at Bladensburg, I received every marked attention possible from the officers of the navy and army.

My wound is deep, but I flatter myself not dangerous; the ball is not yet extracted. I fondly hope a few weeks will restore me to health, and that an exchange will take place, that I may resume my command, or any other that you and the President may think proper to honor me with. Yours, respectfully,

JOSHUA BARNEY.

HON. W. JONES.

No. 10.

Letters from General Van Ness, Doctor Catlett, and John Law, Esquire.

General Van Ness's Statement.

WASHINGTON, Nov. 23, 1814.

SIR: To your request to me to "report to the committee appointed to inquire into the causes which led to the success of the enemy against this city, &c., such information, facts, and views, as are in my power," I would have answered sooner, making such report, but for a very severe and protracted nervous attack, and a consequent considerable accumulation of indispensable private business. In the narrative which I have now the honor to transmit you, I shall, from the very nature of the case, be drawn into an egotism, which, I trust, the committee will be good enough to excuse.

In the campaign of 1813 we had a call from the War Department, produced by the approach of the enemy in the Potomac, for a part of the militia of the District of Columbia, which was promptly attended to on our part; but, owing to the great want of preparation by the Government in respect to arms, ammunition, camp equipage, provisions, and the consequent delays and confusion, the troops would have been inadequate to an efficient resistance, until after they had been out some days—that fact, and those circumstances, were then evident to all. The incompetency of Fort Washington, on the east bank of the river, a few miles below Alexandria, and the necessity of its improvement, were then seen, and

Capture of the City of Washington.

freely spoken of by Secretary Armstrong. Indeed, the importance and necessity of erecting a new fortification or battery at some one of the several favorable sites on the river, so as completely to shut out from the upper part of it, or repel a hostile fleet, was strongly and repeatedly suggested and admitted by the Secretary. He frequently told me, then and afterwards, substantially, that he had "such a project, and was about to execute it; that he was only balancing between several different points which had been proposed or presented to his view, and he believed he must go down himself to reconnoitre and select." After the lapse of some time, not seeing or hearing of any step towards the execution of this project, I several times reminded him of it, and he, as often, still encouraged me, by words, to expect it, while he, generally otherwise, appeared rather indifferent, and expressed an opinion that the enemy would not come, or even seriously attempt to come to this District.

About the opening of the present campaign, I pressed again upon the Secretary the subject generally of our defence, suggesting, in addition to the occlusion of the river, the convenience and importance of a central camp, intermediate between Baltimore, Annapolis, Washington, Alexandria, Georgetown, and the neighboring towns and country. And, in frequent interviews, (in number, to be sure, very much increased by the importunate applications and solicitations to me, of both the civil and the military branches of the community, whose confidence in the Secretary appeared, at an early period, at best wavering, if not declining,) sometimes official, at other times not so, which I had with him, as the campaign progressed, I did not fail to repeat the suggestion. I still received assurances, generally verbally, favorable, accompanied by an otherwise apparent indifference, and confidence in our security. In April last, Colonel Clinch, with about one hundred men, (I believe recruits,) arrived in this city, where he, with those troops, together with a few hundred who had been garrisoned through the Winter at Greenleaf's Point, remained encamped for a few weeks. This was the only force of a regular character, excepting a small marine corps attached to the Navy Yard, which I recollect had been at all stationary in the place, and even the greater part of that was here only at a season when there was no actual danger, or even apprehension of it, and the whole was presently sent to the Northern frontiers.

Sometime in June last, the enemy appearing in or about the mouth of the Patuxent, the Secretary of War called on me for a detachment of militia. Several companies of light troops were immediately, in conformity with his instructions, ordered and marched to that river. After a short period of service, and the departure of the enemy, they were discharged.

Thus had the campaign progressed, without any visible steps towards works of defence, either permanent or temporary, either on the land or the water side, (I never having heard of a spade or an axe being struck in any such operation,) or

towards forming a rendezvous or camp of regular troops in the neighborhood, to the great anxiety, inquietude, and alarm of the District and surrounding country; the Secretary generally treating with indifference, at least, if not with levity, the idea of an attack by the enemy.

When the conclusion of European hostilities, and the rumors and accounts of expeditions fitting out for this country by England, excited apprehensions more general and more serious than before, I again renewed the subject of our defence, and it was still treated by him as before. I had occasionally, though seldom, introduced it personally to the President himself, who, without going much into particulars, referred me, generally, on that subject, to the War Department, on which he seemed fully to rely for the proper arrangements. In my anxiety and solicitude I also occasionally mentioned this business to Secretary Monroe, who always appeared to take a warm interest in it, and gave me strong assurances that he would do "everything that he could with propriety do." At length, nothing visible having yet been done, and the danger being supposed constantly to increase, about the latter end of June, or beginning of July last, I inquired of Secretary Monroe whether it was the intention of Government to abandon and sacrifice the District or not, adding, that if it were so, it would be well for us, at least, to know it. He answered me, that, so far from it, every inch of ground about it was determined to be contested, and the last drop of blood to be spilt in its defence. He said it was decided (I then understood or inferred that there had been a recent Cabinet consultation on the subject) to form a camp of regular troops, say between two and three thousand, at a central position, such as I have before spoken of; who, together with the local troops, would constitute an adequate defence for the surrounding points, to either of which they might be promptly and conveniently drawn. When I saw Secretary Armstrong again soon afterwards, I expressed my satisfaction at what I had thus understood. He confirmed the information, and added that there would also be drawn from Carlisle about two hundred cavalry, commanded by Colonel Lavall. In answer to my inquiry, when we might expect them, he said the troops were ordered on, and would begin to assemble in a few days' time, and that orders had been given to procure horses for those of the cavalry corps who were not yet mounted. This period, however, elapsed without the arrival of any of them. There appeared not to be taken into the calculation a small detachment or fragment or two, of a regiment or two of the regular army, who were in some part of the neighboring country, and who, at best, were supposed to be very inefficient. I afterwards, several times, reminded Secretary Armstrong of our disappointment, considering the strong assurances given us, &c.; and I suggested the utility and propriety of ordering out our militia in successive or alternate detachments. I further informed him (which I was authorized to do, by the pressing, voluntary offers

Capture of the City of Washington.

of many of my fellow-citizens) that both the citizens and troops of the District of Columbia were ready and anxious to be made use of, in any way that the Government might prescribe or direct for the public good. He continued to tell me that the troops would soon be on. To my inquiries about the cavalry, more than once, he replied that he had sent orders for purchasing horses to mount the corps, and that it would soon be here. Colonel Lavall did not, however, arrive here until a day or two after the enemy had landed at Benedict.*

Some time in July last, the Secretary of War told me that General Winder (who was in the neighborhood of the Patuxent) had informed him that the enemy were ascending that river in force, and that he (General Winder) required as many of the militia of the District of Columbia as could be procured should be immediately sent to him; and the Secretary directed me to order out three companies to satisfy this call, which was immediately done. After having been in service nine days, they were discharged.

A few weeks before the incursion of the enemy here, a project was originated among the banks, generally, of the District, to offer the Government a loan for its defence. The Secretary was informed of it in its progress, and appeared to approve it, observing that the arrangement must be made with the Treasury Department. Although, owing to the necessity of some formalities at the offices, and the tedious delays in collecting the general sentiment of the different banks, as to certain arrangements and terms among themselves, this project was not matured until about a week before the capture of the city, the Secretary of War was informed that the money would certainly be raised. This was done without any intimation or suggestion from any branch of the Government, of the want of means for an adequate defence, although I recollect the Secretary of War had, some time before, in a conversation I introduced relative to the purchase of some more ground about Fort Washington for an extension of the works, observed, substantially, that the proprietor asked too much for it, considering how poor the Government was, and that, if we found it was really wanted in any pressing emergency, it would, of course, be taken and used.

At length, in August last, when the increased and reinforced fleet, with the troops, ascended the Chesapeake, and were known, from authentic information, to have entered the Patuxent, I called on Secretary Armstrong again, and expressed, as usual, my apprehensions, arising from want of means and preparations, adding that, from the known naval and reputed land force of the enemy,

* Colonel Lavall has since informed me that no effectual means were taken to mount his men, notwithstanding his frequent applications to the War Department for that purpose; and that, learning that the enemy was actually approaching us, he, on his own responsibility, adopted means for procuring horses, on the spur of the occasion, or he could not have been on at all for the particular service.

he probably meant to strike a serious blow. His reply was, "oh yes! by G—d, they would not come with such a fleet without meaning to strike somewhere, but they certainly will not come here; what the d—l will they do here," &c. After remarking that I differed very much from him, as to the probable interest they felt in destroying or capturing our Seat of Government, and that I believed a visit to this place would, for several reasons, be a favorite object with them, he observed, "no, no! Baltimore is the place, sir; that is of so much more consequence."

The public confidence in the Secretary of War had, for some time, been evidently rapidly declining, and the frequent and unreserved expressions by individuals to that effect, sometimes temperate, and sometimes otherwise, were really disagreeable and troublesome to me. The President must, I presume, have been aware of the fact of this want or decline of confidence, as well from the ordinary sources of information, as from that which I have understood (from one of the members themselves) he received from a joint committee or deputation of the municipal authorities of the city of Georgetown, who had, sometime before, a formal interview with him, relative to the general state of the District.

On the 18th of August last, I furnished Secretary Monroe, at his request, and by instructions of Secretary Armstrong, with two small troops of horse, to accompany him to the Patuxent. On the same day, General Winder (after a conference with me, in which he was hesitating and undecided as to the force he might want from the District of Columbia, and in which I advised him, unequivocally, to call for all its militia) required my whole division of troops. They were accordingly immediately ordered out. Beginning to suspect, from circumstances, that some difficulty might arise between General Winder and myself, on the score of command, and not meaning to create any not absolutely necessary, I determined not to raise the point until it should become certain that my troops were to go into actual operation. It soon became so, by the near and direct approach of the enemy to the city. I then called on General Winder, and, after observing to him that, all my troops being in service, I considered myself so also, (as I was part of, or inseparably connected with, the division,) I informed him that I should, of course, expect to take the command the law had assigned to me, of the whole, which I was prepared to do. He replied that I would certainly be entitled to the command, if I were really in service; and that he would, in such case, yield it to me cheerfully, and without hesitation: but he said he did not consider me necessarily in service, because the two brigades (which composed the whole) of my division had been required, and were in the field; and, inasmuch as this military district had been committed to him, he was compelled to retain the command, until he should be regularly notified by the Government that an officer of superior rank was actually in service within the district. General Winder, in a conversation of some minutes between us,

Capture of the City of Washington.

made a distinction (which I could not comprehend) between calling or having the two brigades of my division in service, and calling or having the division itself, which consisted wholly of those two brigades. In support of this claim to the command of my division, he instanced the case of General Smith, of Baltimore, who, although a considerable part of his troops were in requisition and service, had not claimed the command, although he said he had, at first, made some intimation to that effect. I observed, that General Smith's conduct might be explained by the circumstance of his whole division not being in service. I concluded my interview with General Winder by informing him that I would immediately apply to the Secretary of War to determine the principal fact on which the case rested, whether I was or was not in service, and thus to decide the question between us, in which he appeared cordially to concur. Had there been as little confidence then in that gentleman's generalship as there is now, my course would have been different. I accordingly instantly called on the Secretary of War, who expressly declared it was "an embarrassing case;" and, after some minutes' general and indecisive conversation on the subject, concluded by assuring me that he would immediately state it to the President for his decision, and would, without delay, advise me of the result. This was early in the morning of (I think) Saturday, immediately preceding the Wednesday of the affair at Bladensburg.

After leaving Secretary Armstrong, dissatisfied as I was with the general tenor of his language and conduct, relative to the business, during the interview, I also called on the President, stating to him substantially the case, and adding, as I had before done to both the other gentlemen, that, if it were the particular wish and determination of the Executive (which I began to think not improbable) that General Winder should have the principal command, in meeting the column of the enemy marching directly on the city from the Patuxent, that probably some separate station or command might be assigned me, as there were said to be other menaces and approaches. The President declined a decision until after the Secretary of War should have been consulted. I returned to my house, where I waited impatiently with my aids, Majors Brent and McKenney, who were ready and anxious to accompany me to camp, until half past twelve o'clock; and, although, upon reflecting on what had passed between the Secretary, General Winder, and myself, I was suspicious it was predetermined, and arranged or understood between them, that I was not to have the command, or, at least, that an attempt should be made to withhold it from me, still, not hearing from the Secretary, I sent a messenger to him requesting a decision. After detaining the servant about two hours, he sent me, by him, a written communication, giving me to understand that I was not considered in command or service. I determined not to attempt to create any discordance or schism at a moment of imminent peril, and when the cordial co-operation of

all was so important; and, at the same time whilst I held my commission of Major General, not being able to serve under General Winder, I instantly sent my resignation to the Secretary, taking an early opportunity of assuring General Winder that, although I felt the injury done me, there was nothing personal in my motives, and, further, offering and pledging myself to him for any service in my power, either civil or military, which the public exigencies might require.* I continued to see General Winder occasionally, as before, and to be astonished at the apparent sluggishness or procrastination in the preparation for the reception of the enemy, who was on his advance. I recollect well that, even after he had, according to authentic and undoubted information, ascended to the head of the ship navigation of the Patuxent, and had, for about twenty-four hours, been debarking on the hither bank of that river, and marching his troops to their encampment on the heights of Benedict, (about forty miles from this, on the usual route,) General Winder, in answer to an inquiry of mine, whether he had ordered on any troops from Baltimore, and whether he thought they would be here in time, said that they were ordered on, and that all his fear was, that they would be here too soon. Expressing to him my astonishment at the apprehension, he said he thought it very probable that the enemy would suddenly turn about, and make a blow at Baltimore. Having been surprised, for several days, at not having seen or heard of any actual attempt or movement towards throwing up works, of any description, in this vicinity, from behind which the enemy might be resisted with great advantage and effect, I proposed, at a meeting of our citizens, on the Saturday evening (after I had resigned) next preceding the day of the affair at Bladensburg, that a committee should be appointed to wait on General Winder, and suggest to him the importance of some such works at Bladensburg, through which village the enemy would certainly pass; and, in case the General should approve the proposition, to request him to assign an engineer or officer to prescribe or superintend the work, the citizens furnishing the laborers, &c., gratis. A committee accordingly waited on him: he approved the idea, assigned or procured Colonel Wadsworth, of the ordnance department, to locate, superintend, &c., and, according to that officer's project and directions, (after having reconnoitered nearly a day, an operation, in which, at his request, I accompanied him,) were the works completed by the citizens, although, to the universal astonishment, not a man occupied, during the action, the principal one; and most advantageous parts of the ground, also, which had been reconnoitered, (and where the enemy might have been cut up and slain by hundreds,) were not even occupied by our troops! Owing to accident and misinformation, I was not in the commencement of the action; but the whole scene,

* Annexed are copies of my resignation, a subsequent letter from the War Department, and my answer thereto.

Capture of the City of Washington.

during my advance towards the right front, where Commodore Barney, with his men and the marine corps, did themselves so much honor, whilst I continued there, and afterwards, in retiring from one point to another as far as Georgetown, contained disgusting and inglorious circumstances. How what was called the first line of our troops, on their left, generally, was formed, I do not know. In that part of the field on which I moved, and afterwards, during the retreat, I could discover or learn nothing like a system or an order of battle, of retreat, or of rallying, or re-forming; and several of the officers of the militia of the city and Georgetown, (General W. Smith's brigade,) whom I met with in the course of the affair (and who, with his men, were generally in good order, and deeply regretted the want of opportunity to act efficiently) appeared, in this respect, to be in the same predicament with myself.

A cardinal error in this whole business was, in my opinion, that the great body or mass of the Baltimore force * was not ordered on this way so soon as the direction of the enemy's movement was ascertained, with instructions, whilst they (the Baltimore force) were advancing, always to keep themselves between Baltimore and the enemy, so that they might, and would, have been ready, as the two branches of our army and the enemy approached each other, always to co-operate, either before or after a junction, with the troops assembling here, (who would, of course, have followed the enemy had he wheeled towards Baltimore,) in case of an attempt either on this place or Baltimore; and thus an overwhelming and operative force would have been collected. Another very great error, I think, was, that the enemy were suffered undisturbedly to encamp on the heights of Benedict, where the local circumstances are well calculated for resistance, and to advance from thence to Bladensburg, without having been harassed or annoyed in their progress; this was probably, in part, and perhaps principally, owing to the want of a central camp, and, generally, of means and preparations, on our part, when the enemy landed.

Another error was, that our men were, for a short period before the action, unnecessarily harassed and worn down by fatiguing and ill-timed marches; which, in addition to the fatigues many of them underwent from running, as it were, from their homes (from which they were hurried and dragged at the moment, instead of having been ordered out in proper season) to this city, almost exhausted them. Another, a want of attention and promptness in having the reinforcements, as they arrived in the city, supplied with arms, ammunition, provisions, &c., and in accustoming them to the familiar use of the former. Another, that the enemy were suffered to advance too far, even at Bladensburg, before they were met; owing, doubtless, to the absence of our troops, who had been encamped the preceding night within about three or four miles only of the field of battle. Another, a want of the most advantageous order or arrangement in

the battle itself; one of the causes of which doubtless was, that the enemy were suffered really to anticipate us in the occupation of the ground intended for ourselves. Another, the evident want of a concerted plan of retreat to, or rallying at, some one or more of the advantageous positions between the battle ground and the Capitol. Another, a premature order (as generally understood) of retreat. Another, that a respectable body of apparently excellent troops, (the Fairfax regiment of militia,) who had been in the city since a late period of the preceding day, were not in the action. I understand, from a gentleman who was present, that, early in the evening of the preceding day, after the arrival of those troops in the city, their commander made application to the Secretary of War, for arms and ammunition for them; and that, owing to the objections made by the Secretary, he did not obtain them until the morning, which probably was a principal cause of his detention from the engagement. Another error, I think, was, that General Young's brigade of Alexandria, which was encamped on the east side of the Potomac, opposite to Alexandria, within a few miles of the Eastern Branch bridge, was not sent for immediately (if not before) when it was ascertained that the enemy was rapidly approaching Bladensburg. If this had been done, General Young might either have marched towards that place by the road south of the Eastern Branch, where he might have distracted and annoyed the enemy in flank or rear, or he might, (crossing the Eastern branch bridge,) if he could not have reached the field of battle, have met our retreating troops at some point in the city, and might thus have been very instrumental in restoring the fortune of the day; and in either case, he might, in a few hours' time, have returned to his former station: whereas, he remained, in obedience to an order (as he has himself informed me) that day given by the Secretary of War, at his position, not an enemy near him, or in sight, whilst his men distinctly heard the affair at Bladensburg, and were mortified at their absence from it. Another error was, that the woods, fences, ravines, &c., by the sides of the turnpike road were not lined with our light troops, to annoy the enemy in his advance from the battle ground. At all events, on the rising ground southwest of the turnpike gate, if not before, our troops ought to have made another stand. By the extraordinary exertions of private gentlemen, as well as officers, and by the opportune arrival at this favorable spot of the Fairfax troops, (I think about six hundred,) who had not yet been engaged, a body of about ten or twelve hundred men was already formed, including several pieces of artillery, well planted, and their number was rapidly increasing, by the rallying of fugitives, the arrival of fresh troops, &c.; and I am confident that had they remained there, (in a position as well covering the Navy Yard as the city generally,) the British would not have advanced that night, they being at least two or three miles off, wearied, and, partially, severely handled; and, by the morning, such advantages of system, arrangement, rest, in-

* A part only of the Baltimore force came this way.

Capture of the City of Washington.

crease of numbers, confidence, &c., might have been improved by us, as would have led to the discomfiture and defeat of the enemy; but, unfortunately, even from here those troops were ordered to retreat towards the Capitol square, and thence to a more distant place; against both of which movements I took the liberty, at the time, of remonstrating to General Winder. Another unfortunate error was, that our troops, after it was determined to abandon the city itself, were not halted on some of the commanding heights around it, from which they might constantly have operated with effect, either by detachment, or otherwise, on the enemy, during his continuance here; and from which, if it had become necessary to retire, we might, at all times, have retired with safety. Another error was, that a considerable and unnecessary number of wagons and carts were in the field, or its immediate vicinity, from which, at an early period of the engagement, they fled, and in their flight contributed much to the dismay and confusion of the day. Another error was, that the enemy was not pursued and annoyed, in his precipitate departure to his ships. Many of those errors, doubtless, arose from the want of correct information relative to the enemy; which, in itself, was an extraordinary circumstance, as, for some days before they (the enemy) entered the city, there were several hundred cavalry among our troops. Many of the evils of the day also, unquestionably, arose from the rawness of a considerable part of our militia force; indeed, considering what the description of the great mass of our troops was, and that they had to contend with about an equal number of veterans, nothing but judicious and skilful management, added to our decided superiority of artillery and cavalry, the native valor of our men, fighting for all they held dear, and the local advantages within our reach, could have authorized the expectation of success.

Although I cannot think the means we had on the spot were used to the best advantage, still I think General Winder was by no means furnished with sufficient or timely means; which I always considered it the special duty of the War Department to have attended to.

From a certain degree of delicacy, sir, in my situation, as regards both the late Secretary of War and General Winder, it is not without some reluctance that I have given the committee the above view; but, considering your call as imperative, and having always been of opinion that it was due to the American people that the facts and circumstances connected with the fall of the capital should be fully developed, I transmit it to you, after having necessarily prepared it in great haste. Possibly other circumstances relative to the subject may hereafter occur to me; should that be the case, I will take the liberty of communicating them. I presume, also, that I shall have the privilege hereafter of correcting any errors, either in form or substance, that may have crept into the statement.

JOHN P. VAN NESS.

Hon. R. M. JOHNSON, &c.

CITY OF WASHINGTON, Aug. 20, 1814.

SIR: Give me leave hereby to resign the command which I have for some time past had the honor to hold, as Major General of the militia of the District of Columbia. My commission would have been enclosed, had I been able to lay my hands upon it. A principal regret which I feel upon this occasion is, that my resignation occurs at a moment when I would have been happy to have been permitted to participate in the defence of my country, and particularly of the District.

I have the honor to be, &c.

JOHN P. VAN NESS.

Hon. JOHN ARMSTRONG,
Secretary of War.

WAR DEPARTMENT, Nov. 12, 1814.

SIR: I am instructed to state, that your resignation of the command of the militia of this District, as Major General, has not been accepted, and that it would be satisfactory to the President that you should resume it.

That you were not called into service with the troops of the District, did not proceed from a want of respect for your merit, which is acknowledged, but from the impossibility of doing it, at the time, without displeasing the commander of the district, from which the most serious injury was apprehended, the enemy having landed at Benedict, and being on his march for this city. Great confidence is entertained in your patriotism, zeal in support of the cause of your country, and fitness for the trust, regarding your comparative experience, with that of others of our fellow-citizens, in active service. I add, with pleasure, that your conduct, after presenting your resignation, and particularly at Bladensburg, after joining our troops as a volunteer on the preceding day, has increased these favorable impressions.

I have the honor to be, &c.

JAMES MONROE.

Maj. Gen. J. P. VAN NESS,
City of Washington.

WASHINGTON, November 14, 1814.

SIR: On my return to the city, after a few days' absence, I had the honor of receiving your communication of the twelfth instant, advising me that my resignation of the command of the militia of this District, offered some time since, has not been accepted, and that it would be satisfactory to the President that I should resume it.

Injured as I felt by the treatment I received, in relation to my military command, I adopted, as a proper expression of that feeling, what I considered the only course which, whilst it was just to myself, was not inconsistent with the public service—a course which I am gratified that my friends, both public and private, have universally approved. At the same time, sir, without at present hazarding an opinion, or going into any argument as to the sufficiency of the reason for disregarding my claim to the command, or to service, on the approach of the enemy to the Me-

Capture of the City of Washington.

tropolis, permit me to state, that I am perfectly satisfied that the President was actuated solely by a regard for the public good.

For the general politeness of your letter, for acknowledging the correctness of my conduct subsequent to my resignation, and particularly in the unfortunate affair at Bladensburg, although I have due sensibility, and fully appreciate the honor done me by the intimation of the President's wishes, it is out of my power to comply with them upon this occasion; which, I presume, cannot be regretted, inasmuch as other gentlemen, better qualified for the purpose, must be within the view of the Government.

I have the honor to be, &c.

JOHN P. VAN NESS.

HON. JAS. MONROE,

Secretary of War.

Doctor Catlett's Statement.

SIR: In compliance with your request, I will endeavor to make as concise and correct a statement of the circumstances, which came within my view, of the late campaign in this neighborhood, as is in my power.

On the evening of the 21st, (being attached to the suite of General Winder as staff surgeon,) we were met by Colonel Monroe at the Woodyard, who had left Nottingham about sunset, where he saw the advance of the enemy with their barges and small vessels. Next morning Colonel Monroe, General Winder, and suite, proceeded down and met them within three or four miles of Nottingham. After taking such positions as would afford the best view of the enemy, and remaining under cover of the woods until they advanced within three or four hundred yards of us, those gentlemen retired with Colonel Lavall's troop, which was also in advance, until we met an advanced detachment of our troops, about four or five hundred, which were immediately ordered to retreat to the main body at the Woodyard. Major Hite had been ordered to remain near the forks of the road, to observe whether the enemy took that leading to Marlborough, or the other we were on to the Woodyard. The country here, from the heights and fields, was admirably calculated to afford observations of the enemy. Their entire want of cavalry was observable, from there being none with their advance, to which we had been so near. Videttes were placed in our rear. General Winder proceeded towards the Woodyard; Colonel Monroe took a direction across the country towards Marlborough; I accompanied him. We soon (about twelve o'clock) began to hear the explosion and see the smoke from the flotilla. We were overtaken by some of the videttes, who stated that there were fifteen or twenty horsemen on our left, supposed to be of the enemy, attempting to cut us off. We immediately shaped our course towards the Woodyard; met General Winder, who returned; passed a number of our troops, and, arriving at the Woodyard, found the main body moving off towards the Long Old Fields, where the army encamped in the evening.

Next morning, 23d, the President and all the Heads of Departments were in camp, having (I understood) come down that night. The President reviewed the troops, supposed about three thousand five hundred, having been joined at the Woodyard by Commodore Barney's men, and other corps, at this place. About two thousand five hundred Baltimore troops were at Bladensburg. This day an advanced detachment, I believe under the command of Major Peter, met the advance of the enemy in the neighborhood of Marlborough, some firing took place, and our troops retreated. General Winder was some miles over to the left, observing on the direct road from Marlborough to Bladensburg. Towards evening we returned to the Old Fields, and found our army advantageously posted to receive the enemy. A retreat was soon after ordered to this city, leaving some flour and whiskey destroyed on the camping ground. This night I slept within a mile of the field, and at daylight sent a man over in that direction to learn whether the enemy were there. He reported in the negative, and I went directly into the road and came on to the city, before eight o'clock, believing that the enemy could not reach Bladensburg until late in the day. The upper bridge was on fire, and the other prepared to be blown up as I crossed it. The first news I heard on entering the city, was that the enemy were within two and a half miles, coming towards the bridge, and there appeared to be a continual succession and industrious circulation of false reports and false alarms. The enemy were pertinaciously represented to be at least nine thousand, and many were disposed to believe their number greater, although several prisoners taken yesterday could only enumerate four regiments, and name but one General, and one Colonel, acting as Brigadier. I examined several myself, with all the address I could, and would certainly have risked my life upon their almost entire want of artillery and cavalry. There appeared to be an impression with our troops, generally, that the enemy were much more formidable than appearances could justify. About 11 o'clock the main body of our troops moved off from near the Eastern Branch bridge towards Bladensburg, and, by a necessarily extraordinary effort, for men immediately from ship board, the British reached the opposite side of the village nearly at the same time with our troops, about 1 o'clock. They halted in front about twenty minutes, until their rear got up. Some officers were seen observing us from the heights. The two armies were about three-fourths of a mile apart, pretty much in view of each other. The position of our troops will be better described to you by others. A few minutes before the action commenced, by request of General Winder I delivered an order to Major Pinkney, in front, to take the most judicious position with his riflemen to protect the artillery at the battery, within two hundred yards of the Bladensburg bridge, and three or four hundred in advance of our first line. The enemy were now coming down a street in the village in thick column. This battery, of

Capture of the City of Washington.

about seven pieces, commenced a destructive fire upon them, which immediately threw their advance out of the street, among the houses, but they were very soon crossing the bridge in great numbers, notwithstanding an additional cross fire from several pieces from our right. They advanced with great steadiness towards the battery. The artillery retreated; the rifles received them handsomely, but soon retreated also. They began by firing a few rockets about the time that our fire commenced, which passed a considerable distance over our first line, immediately in the rear of which were the President, and several other gentlemen of the Cabinet. It was suggested to them, I think by General Winder, to take a more respectful distance, and they did so. General Winder rode along the line, encouraging the men to disregard the rockets. The enemy having carried the battery in front of us, began to flank irregularly, but a considerable number, also, advancing directly upon this line, (through an orchard,) which soon commenced a fire upon them, from an elevated position, and too soon after, before they came within point blank shot, retreated. They were, however, a number of them, easily rallied by another officer and myself; but on part of the line giving way, which had stood fast, further on the left, they all broke off again. The fire now became very hot in the centre, from our musketry and artillery; the musketry too distant, although with great advantage of position, but the artillery evidently with great execution. The musketry continually and successively (without being rallied) retreating as the enemy advanced upon them; and as soon as they closed up with Commodore Barney's command, a general retreat took place, before they had reached a considerable portion of our infantry. Being in the rear, I observed that the enemy seemed to halt, when the firing ceased, about a mile and a half on this side of Bladensburg; there was nothing like pursuit. When I got to Capitol Hill, there were no troops formed there. As I passed through the city, it was reported that the enemy were coming in from towards the race ground. I observed that it was false, and only intended to produce panic. The few citizens I saw at their houses, appeared as if resigned to meet an awful fate. The main body of our army were now retreating through Georgetown, where I met a deputation, the Mayor and several others, going out to meet the enemy. They can best tell, but I do not think it probable that the enemy were advancing, or knew the extent of our retreat before this deputation met them, for I had seen them halting; and the next day, when I came in with a flag to attend our wounded, I learned from some of their officers that they suspected our troops were still on the heights above Georgetown, though they were at Montgomery Courthouse, from which place General Winder had ordered me back to Bladensburg, with permission of the British commander, for the purpose mentioned. I met the advance of the British army on Capitol Hill, supposed to be about seven hundred, and passed their main body, supposed about

two thousand, on the hill this side the turnpike. They appeared to be preparing to move; had about forty miserable looking horses haltered up, ten or twelve carts and wagons, one ox cart, one coachee, and several gigs, which the officers were industriously assisting to tackle up, and which were immediately sent on to Bladensburg, to move off their wounded. A drove of sixty or seventy cattle preceded this cavalcade. On our arrival at Bladensburg, the surgeons were ordered to select all the wounded who could walk, (those with broken arms and the like,) and send them off immediately. The forty horses were mounted with such as could ride, the carts and wagons loaded, and ninety odd wounded left behind. I estimated their wounded at three or four hundred, besides forty or fifty left in this city. One of the British surgeons informed me they had buried that day about one hundred on the field; and the men who were sent out next day after the retreat of the enemy, to bury three or four Americans, reported that they also buried fifty or sixty red-coats, or British. I found at Bladensburg Commodore Barney, Captain Miller, of marines, and seventeen other Americans, badly wounded. I estimate our whole loss at ten or twelve killed on the field, and thirty odd wounded; though others, who had less opportunity of judging, estimate it at more than double. About midnight (being up all night) I heard the sound of a bugle, and was informed that the whole British army were passing through the lower end of the village. In the morning, early, I saw them still going off in small squads, and some stragglers were moving off till noon, about which time we learned that their main body were halted about eight miles on the road to Marlborough. About sunset Captain Burd came down from Montgomery Courthouse, and informed Commodore Barney and myself that our troops were marching on to Baltimore, and about the same time we were informed by several persons that the British were within a few miles of Marlborough. The Commodore expressed a wish that General Winder could be immediately informed of the certainty and manner of their retreat; and, not being able to find any one else, to be depended on, to go for one hundred dollars, having engaged Doctors Martin and McCulloch to attend to our wounded until my return, with the advice of Commodore Barney, I set out, about dark, with one dragoon, and reached our camp, beyond Snell's bridge, twenty-eight miles, about one o'clock. The troops were intended, about this hour, to march on to Baltimore. General Winder was gone on; Generals Smith, Stansbury, and others, held a council on my information, and it was determined to send off (I think) the principal part of the cavalry in pursuit of the enemy, immediately; the troops to remain until daylight, and the militia of the District of Columbia to return to the District. I have never been able to learn what cavalry were actually sent off, or the success of their enterprises. After this I was, and have ever since been, confined to the attendance of a hospital, and can relate little further from my own observation.

Capture of the City of Washington.

I have the honor to be, sir, with great respect,
your obedient servant,

HANSON CATLETT,
Surgeon 1st Regiment Infantry.

Respecting the condition of the enemy's troops, I was informed by several of the British officers, that just previous to their reaching Bladensburg, (with excessive fatigue or entire exhaustion) they were dropping off in considerable numbers; that, in the action, it was only by the most extraordinary exertions that the main body could be goaded on. Although I observed some of their flankers at times advance on the run a small distance, these were said to be only the most active of their light companies of, and attached to, their 85th regiment, commanded by Lieutenant Colonel Thornton, acting as Brigadier; they appeared to me to halt, as if exhausted with fatigue, at or near the place where the firing ceased on our part, about a mile and a half on this side of Bladensburg, about two o'clock, P. M. Their advance, however, reached the Capitol about dark or eight o'clock; the main body, I am informed, never came further than the height on this side the turnpike. You ask further for information as to their numbers. Although I had a better opportunity of observation after the battle than any other of our officers, I cannot pretend to state, with any degree of confidence, on this subject: but my estimate was, on Capitol Square, 700; Turnpike Hill, 2,000; wounded at Bladensburg, 300; attendants and guard, 300; wounded and attendants in the city, 60; and, from information, killed at Bladensburg and city, 180; total, 3,540. However incorrect these estimates may be in detail, they are corroborated, in the aggregate, by the best information I could get from the surgeons, sergeants, and men left in hospital.

Respectfully, **H. CATLETT.**

Mr. John Law's Statement.

WASHINGTON, November 10, 1814.

Sir: In compliance with your request, I beg leave to submit to you the following statement of the movements and operations of the troops to whom I was attached, from the period of their march against the enemy, who had landed at Benedict, until their return on the 27th of August.

On Friday, the 19th of August, the militia of this county were mustered near Mr. Ringgold's rope-walk, and, on being dismissed, were ordered to equip and hold themselves in readiness to march the next morning. The second regiment, under Colonel Brent, accordingly assembled near the Capitol; and, by nine o'clock, A. M., were prepared to take up the line of march. About one o'clock, the first regiment, under Colonel Magruder, arrived at the Capitol Hill. Shortly after, the whole force, collected from this county, commenced its march; and, after proceeding about five miles from the Eastern Branch bridge, encamped that night on the road to Upper Marlborough. The next morning the troops were again mustered, and the articles of war read to them. About twelve o'clock, the detachment of

marines, under the command of Captain Miller, passed our encampment with five pieces of artillery, and shortly after, our two regiments of militia again took up the line of march, and, after advancing about seven miles, encamped on a field belonging to the Woodyard estate. We here joined the regulars of 36th and 38th regiments. The main body of the enemy stayed that night at or near Nottingham, having an advance party stationed at a church about three miles this side of that town. About one o'clock the same night, our troops were beat up and ordered to strike their tents; although the principal part of the force did not move until nine or ten o'clock the next morning. About sunrise the regulars, together with a small detachment of about three hundred men, consisting of Captain Peter's company of artillery, Captain Stull's rifle corps, and Captain Davidson's light infantry, were sent in advance on the road to Nottingham. About nine or ten o'clock the same day, the remainder of our force marched about a mile, to an elevated position near the dwelling house of Mrs. West, and remained there about two hours, under the expectation that the enemy would take that road on his way from Nottingham to Washington. It was, however, ascertained that the enemy had taken the road to Upper Marlborough, and that the detachment of our troops, who had been sent that morning in advance, were retreating. All the troops were then ordered to retreat; and, instead of being marched towards Upper Marlborough, where the enemy remained that night, (waiting, it is presumed, to be joined by the detachment which had been sent against Commodore Barney's flotilla,) we were marched to the Battalion Old Fields, about eight miles distant from Upper Marlborough, and about the same distance from Washington. The same day we were joined by the crews of Commodore Barney's flotilla. On Tuesday, the 23d of August, the troops were drawn up in three or four lines, and reviewed by the President of the United States. The most contradictory reports prevailed at this time in our camp, respecting the strength and movements of the enemy. Our force at this place, from the best information I could collect, consisted of about four hundred horse, the flotilla men amounting to about four hundred and fifty, one hundred and ten marines, about four hundred regulars of the 36th and 38th regiments, and about eighteen hundred militia from Maryland and the county of Washington. The militia of Alexandria county never joined us. About twelve o'clock the same day, the detachment of three hundred militia, which had been sent on the day before, were again ordered to advance towards the enemy. They met him on his march, about six miles in advance of our encampment, but with so great a disparity of force, that it was impossible for them to make a stand. After Captain Stull's rifle company had fired about four rounds, the detachment was compelled to retreat, to prevent being surrounded by the enemy. About five o'clock, P. M., after having remained some time in line of battle, we were ordered to retreat to Washington, and, al-

Capture of the City of Washington.

though our march on the retreat was extremely rapid, yet orders were occasionally given to the captains of companies to hurry on their men. The march, therefore, literally became a run of eight miles, and the propriety of this rapid movement, which unnecessarily fatigued and dispirited the men, may be tested by the fact, that the main body of the enemy *bivouacked* that night on the Melwood estate, more than than three miles distant from the ground that we left.

On our arrival at the city, we encamped about half a mile from the Eastern Branch bridge. About midnight, a detachment of Captain Burch's company, to which I was attached, was called up and ordered to move with three pieces of artillery to an eminence near the bridge, which was done. During the night, a boat, containing eight barrels of powder, was stationed underneath the bridge, under the charge of Mr. Forrest, of the Navy, with orders to blow it up on the approach of the enemy. About sunrise, the remainder of our company joined us. We were shortly after ordered to pull down the rails of a neighboring fence, and place them on the bridge, in order that it might be effectually burnt, in case the explosion of gunpowder should not succeed in preventing the enemy from passing it. For the same purpose, the toll-house was ordered to be pulled down, and the planks placed on the bridge. About ten o'clock the same day, our company was ordered to give up its position to Commodore Barney, who had a number of heavier guns with him, and who immediately after took possession of the eminence we had occupied. About eleven o'clock, we were ordered to march, and on arriving at the boundary line of the city, we halted a short time, until we were joined by the remainder of the troops, when we continued our march to Bladensburg. At the distance of about a mile and a quarter from that town, the troops were halted, and shortly after, Captain Burch, with three of his pieces of artillery, was ordered to advance and report himself to General Winder. Captain Burch immediately advanced with three of his pieces; and, on reaching the left of the line of Baltimore militia, he halted the men in the road, in order that he might look for General Winder and receive his orders. At this time the advance of the British was just entering the outskirts of Bladensburg, and the arms of a large body of them were seen glittering in the sun, about a mile from the town. Finding that Captain Burch did not return as soon as might have been reasonably expected, and hearing that General Winder was a short distance from us, I marched our detachment of artillery towards the spot where he was, and, on coming up to him, inquired what position I should take with our artillery. He addressed me as Captain, and ordered me to place our pieces in battery on the left of the Baltimore line of infantry, which was immediately done. Shortly after, he came up to us, and, again addressing me, said, "When you retreat, take notice you must retreat by the Georgetown road," at the same time he pointed to a road which led from Digges's mill into the country,

and passed near the position we had taken. Captain Burch soon after joined us. The time occupied in taking our position was sufficient to have enabled us, and also the troops that marched from the city, to take any position on the fields this side of Bladensburg. About a quarter of an hour after we had taken our position, the Baltimore artillery, which was posted in advance near the mill, (and shortly after, the Baltimore riflemen) commenced firing on the enemy. The artillery fired about ten rounds, as far as I could judge, and then retreated, with some of the Baltimore riflemen, towards our left. A few scattering British soldiers were soon after visible in the orchard before us, and they appeared to be forming behind a barn, which was about three hundred and fifty yards from our guns. We immediately commenced our fire upon them; and, shortly after, General Winder came behind our guns, and ordered us to direct our shot at the barn. We had scarcely fired three rounds, when the line of the Baltimore militia began to break; several of the 5th Baltimore regiment also fled. After we had fired about five rounds from our pieces, General Winder ordered us to retreat, in consequence, I presume, of the flight of the militia on our right. The British column had just then began to advance from the barn. Not a man of our company had been touched by the fire of the enemy, and I thought that the battle was only then seriously commencing. After retreating about a hundred yards, we were again ordered to unlimber our pieces; but this order was immediately after countermanded, and we were directed to continue our retreat. Our pieces were never after ordered into action; nor were we, at any time, told where to rally. The road, by which we had been directed to retreat, and by which the principal part of the Baltimore troops also retreated, forked, some miles from the battle ground, in three directions; one branch led by Rock Creek Church to Tenleytown and Montgomery Courthouse; another branch led to Georgetown; and the third to the City of Washington. Each individual, on the retreat, took the road that suited his inclination. For myself, having been separated, together with several of Captain Burch's company, from our guns, which were before us, and presuming that the principal part of the force had gone to Washington, I took the road leading to this place. On arriving at the Capitol, I understood that the city had been abandoned by our troops, without further struggle, to the enemy. Our forces encamped that night at Tenlytown, about three miles back of Georgetown. The next day they marched to Montgomery Courthouse; and, on the 26th of August, to Snell's bridge, on the road to Baltimore, where I joined them, having never had it in my power before to do so. On Saturday, the 27th, the troops belonging to this District returned here. The enemy left the city on the night of the 25th.

From what I could discern of the line of the enemy's march on his entrance into Bladensburg, before the battle, I conjectured that his force amounted to about five thousand men. I afterwards collected, from conversations with British

Capture of the City of Washington.

prisoners, and from comparing together the several accounts they gave me, that it did not exceed four thousand four hundred men, including about one hundred or one hundred and fifty sailors, who were armed only with cutlasses. The enemy's artillery consisted of one howitzer, and two small pieces, drawn by men; and his whole force actually engaged in the battle did not exceed twelve hundred men, as I was informed by two British officers and some prisoners. Our force, on the other hand, consisted of the troops that were with us on the Battalion Old Fields, amounting, in my opinion, to about three thousand one hundred and sixty men, together with about two thousand troops from Baltimore, and about five hundred militia under Colonel Beall, who joined us on the field of battle. Our artillery consisted of eighteen six pounders, under Captains Peter, Burch, and Magruder, and two eighteen pounders and three twelves under Commodore Barney. The enumeration which I have given of our troops may, in some instances, be incorrect, as it is merely the result of general observation and inquiry. I would beg leave further to state, that the distance between Benedict and Washington, by the way of Bladensburg, is at least fifty miles, and that the whole of the intervening country is admirably calculated for every species of military operation. I shall refrain, sir, from expressing any opinion on the manner in which our force was conducted and employed; but, in justice to General Winder, I will add, that he evinced no deficiency of personal courage or military coolness during the action.

With respect, I am, &c.

JOHN LAW.

No. 11.

Reports from the Ordnance Department.

U. S. ORDNANCE DEPARTMENT,
Washington, Nov. 28, 1814.

SIR: In addition to the information which I have had the honor to give to the committee of investigation upon the subject of the late invasion of the District by the enemy, I have to state:

That I have perused letters recently written by Colonel D. Wadsworth to Daniel Carroll, Esq., of this District, respecting the burning of the Potomac bridge, and the destruction of the military stores deposited on the Virginia side thereof; which in substance contain a specific denial of either circumstance having taken place by his orders or advice. He explicitly states, that the latter was occasioned by the corporal or non-commissioned officer commanding the guard, who, on the draws of the bridge having been broken by a violent tornado, and perceiving a body of the British ready to pass over, concluded the surest and best measure to prevent it, was to destroy, by fire, that end and part where he was posted; and that the other end, on the Washington side, was fired by the enemy.

The military stores which had been placed at the end of the bridge were destroyed by the event of firing that end.

I beg leave to take this occasion to repeat what

I had the honor to state to you verbally, that, having been personally conversant with Colonel Wadsworth on the evening of the day of the battle of Bladensburg, and on the subsequent invasion of the city, the colonel at no time suggested to me (though the next officer in command) the necessity or expediency of firing the Potomac bridge; and I have, consequently, no belief that such was his intention or order.

Lieutenant Baden, who was directed to post the guard at the Virginia end of the bridge, and for the protection of the military stores, unequivocally and explicitly denies having given any similar order.

I beg leave to transmit here a more particular account of the stores furnished to Fort Washington: rendered, however, by the late decision of a court martial, less necessary than before.

I have the honor to be, &c.,

JOHN MORTON,

Captain and Deputy Commissary.

Hon. Col. R. M. JOHNSON.

ORDNANCE DEPARTMENT,
Washington, Oct. 21, 1814.

SIR: In the absence of the Commissary General, I have the honor to acknowledge the receipt of your letter to this department, of the 15th current, requesting, in behalf of the committee of which you are chairman, "all the information in its power on the subject of their inquiry; more especially to state what was the quantity and situation of the munitions of war within the District of Columbia, previous to, and at the time of, the invasion of the enemy in his recent enterprises against this metropolis."

The hurry with which many of those munitions were distributed, previous to, and at the time of, the invasion, and the dispersion and loss of some papers which gave some details thereof, necessarily render the reports from the several persons having charge of them somewhat imperfect, and will render it difficult to give from this department more than (as follows) a general statement. This statement, however, will be substantially correct; and will, perhaps, tend to answer or satisfy the committee on the leading objects of the inquiry made of this office.

Presuming that the expression, "munitions of war," was intended to include the ordnance within the District, I shall commence therewith, by stating, that there were, at the period alluded to, the following mounted cannon, viz:

Eight 24 pounders, cannon, mounted on garrison carriages, and forming the battery, Greenleaf's Point.

One 50 pounder, columbiad, mounted on garrison carriage, and forming the battery, Greenleaf's Point.

One 18 pounder, columbiad, mounted on garrison carriage, and forming the battery, Greenleaf's Point.

Two 18 pounders, cannon, complete for the field, on travelling carriages.

Capture of the City of Washington.

Five 12 pounders, cannon, complete for the field, on travelling carriages.

Six 6 pounders, cannon, complete for the field, on travelling carriages.

Three 24 howitzers, cannon, complete for the field, on travelling carriages.

These last were in charge at the United States' Arsenal, Greenleaf's Point; but occasionally distributed previous to the actual invasion of the city, as ordered; for instance, two eighteen pounders, on travelling carriages, were placed in front of the Capitol, for its defence; two twelve pounders in front of the President's house, and two near the General Post Office, for the same purposes.

In addition to the foregoing, there were twelve six pounders, field artillery, furnished by the order of the late Secretary of War, to, and in the service of, the District corps of artillery; and two twelve pounders loaned to the marine corps of the United States.

The number of field artillery attached to the brigade of Alexandria is not known to me; but it is presumed to have been four or six pieces.

Of ordnance stores, there were on hand at the United States' laboratory, exclusive, of course, of what had before been distributed, viz:

140 bbls. (14,000 lbs.) gunpowder of different kinds.

5 tons of lead.

7,180 cannon cartridges, filled and empty (the empty are soon filled.)

8,650 rounds of round grape and canister shot.

150 ten inch shells, with other stores of ordinary consumption, or expenditure, too numerous to detail.

In the military store and laboratory, viz:

Stands of arms complete	-	-	-	2,993
Cartridge boxes and belts	-	-	-	1,595
Bayonet scabbards and belts	-	-	-	2,584
Flints	-	-	-	13,700
Musket cartridges of different kinds (single ball and ball and buck shot)	-	-	-	271,000

The foregoing were on hand immediately preceding the invasion, after considerable distributions had been occasionally made to the regular troops and the militia, employed in different situations or parts of this section of the country; and equal, it is believed by me, to all their requisitions.

Of rifles it was impossible, though every exertion was made by this department, to procure a seasonable supply.

What is here offered to the honorable committee embraces, perhaps, all which is expected from this department; but, if any additional objects of inquiry should occur, the undersigned will hold himself in readiness to furnish, either personally or in writing, whatsoever may be required and remain further within his means of information.

I have the honor to be, sir, with great respect, your obedient servant,

JOHN MORTON,

Deputy Commissary U. S. Ordnance.

Hon. Col. R. M. JOHNSON.

ORDNANCE DEPARTMENT, Nov. 4, 1814.

SIR: In compliance with your verbal request, I have the honor to state to you that, by an ordnance return, bearing date the 30th June, ultimo, received at this office, there were at Fort Washington, on the Potomac—

Two 32 pounders on fixed carriages (cannon.)

Eight 24 pounders do. do.

Two 50 pounders (columbiads) on fixed carriages, cannon.

Three 6 pounders on travelling carriages, cannon.

Of ordnance stores there were—

132 rounds, 32 pounders, round shot.

432 rounds, 24 pounders, round shot.

564 round shot.

99 flannel cartridges, 32 pounders, filled.

86 flannel cartridges, 24 pounders, filled.

88 flannel cartridges, 32 pounders, empty.

405 flannel cartridges, 24 pounders, soon filled.

44 paper cartridges, 32 pounders, empty.

177 paper cartridges, 24 pounders, empty.

899 cartridges, filled and empty.

3,100 pounds cannon powder.

246 pounds musket powder.

100 musket cartridges.

291 pounds lead.

200 pounds junk.

137 musket balls.

31 stand small arms.

From the 30th June to August 27, there were furnished at Fort Washington the following:

Four 18 pounders (columbiads) July 16.

Forty-eight stands of arms, complete.

One hundred and seventeen rounds ammunition for 18 pounders, columbiads.

Two hundred and five rounds ammunition for 18 pounders, cannon.

Forty-eight rounds ammunition for 18 pounders, grape shot.

Two hundred rounds ammunition for 18 pounders, round shot.

Two hundred and forty rounds ammunition for 6 pounders, strapped shot.

Sixty rounds ammunition for 6 pounders, case shot.

Forty-eight rounds ammunition for 18 pounders, case shot.

Two hundred and thirty-two tubes.

Thirty-four portfires.

Thirty-three pounds slow match.

The number of men stationed at Fort Washington is not precisely known at this office, but it is supposed by me not to have exceeded sixty.

I regret that circumstances have delayed your receipt of this communication; but, as your former written request confined my report to the District, more time has been required to ascertain the facts here stated, (particularly the supplies since the 30th June,) than would otherwise have occurred.

Capture of the City of Washington.

I have the honor to be, sir, with great respect,
your obedient servant,

JNO. MORTON,

Captain, and Dep. Com. U. S. Ordnance.

Hon. Colonel JOHNSON.

*Return of fixed Ammunition and Ordnance Stores
delivered to Fort Washington, in the month of
August, 1814, previous to the 24th of that month.*

Two hundred 18 pound round shot.

Forty-eight 18 pound grape.

One hundred and seventeen flannel cartridges,
filled for 18 pound columbiads.

Two hundred and five 18 pound cannon car-
tridges, flannel bottoms, filled.

One hundred and forty 6 pound strapped shot,
fixed.

Sixty 6 pound case shot, fixed.

Forty-eight 18 pound case shot, filled.

Two hundred and thirty-two tubes filled.

Thirty-four portfires.

Thirty-three pounds slow match.

Eight thousand one hundred and twenty-six
musket cartridges, buck and ball.

Twenty-two thousand and fifty musket car-
tridges, single ball.

Nineteen ammunition boxes.

Forty-three kegs.

Seventeen barrels.

N. BADEN, *Lieut. Com.*

GREENLEAF'S POINT, Nov. 9, 1814.

No. 12.

*Sentence of the Court Martial in relation to Cap-
tain Dyson, and the correspondence between
him and the Secretary of War.*

WAR DEPARTMENT, Aug. 29, 1814.

SIR: I send Captain Manigault with orders to
receive your written or verbal report of the causes
under which you left the post committed to your
charge. In this you will state the orders under
which you acted, and from whom received.

I have the honor to be, &c.,

JOHN ARMSTRONG.

Capt. DYSON, *Corps of Artillery.*

CAMP AT MASON'S ISLAND,
August 29, 1814.

SIR: I had the honor to receive your commu-
nication of the 29th instant. The orders received
from Brigadier General Winder, through Major
Hite, verbally, on the 24th instant, were, in case
I was oppressed by, or heard of, an enemy in my
rear, to spike our guns, and make my escape
over the river. The enemy approached by water
on the 27th, and we had learnt on that day,
through several channels, that the enemy had
been reinforced at Benedict two thousand strong,
and that they were on their march to co-operate
with the fleet, in addition to the force which left
the city. Under all these circumstances, the offi-
cers under my command were consulted, and
agreed it was best to abandon the fort, and effect

a retreat. The force under my command was
thought not equal to a defence of the place.

I have the honor to be, &c.,

SAM. T. DYSON,

Captain Corps of Artillery.

Hon. J. ARMSTRONG,

Secretary of War, Washington.

General Orders.

HEADQUARTERS, 10TH MILITARY DIS.,
Baltimore, Nov. 17, 1814.

At a general court martial, whereof Brigadier
General Smith, of the militia of the District of
Columbia, was president, which met at Wash-
ington City, and continued its sittings, by divers
adjournments, until the 12th instant, Captain
Samuel T. Dyson, of the United States' corps of
artillery, was tried on the following charges and
specifications:

Charge First.—Violating the fifty-second ar-
ticle of the rules and articles for the government
of the armies of the United States.

Specification First.—In that the said Samuel
T. Dyson, being commanding officer of the Uni-
ted States' Fort Washington, did, on or about the
27th of August, 1814, when an enemy was ap-
proaching said fort, misbehave himself before the
enemy, run away, and shamefully abandon the
fort, post, and guard, which he then and there
commanded, and which it was his bounden duty
to defend, and speak words inducing others to do
the like.

Specification Second.—In that the said Samuel
T. Dyson did, on or about the 27th day of Au-
gust, aforesaid, at the post called Fort Washing-
ton, aforesaid, cast away and destroy his arms
and ammunition, contrary to the said fifty-second
article of the rules and articles of war, aforesaid,
and to his duty as commanding officer.

Charge Second.—Conduct unbecoming an offi-
cer and a gentleman.

Specification First.—In that the said Captain
Samuel T. Dyson, being commanding officer of
the United States' fort and garrison, at a place
called Fort Washington, did, on or about the 27th
day of August, 1814, misbehave himself by dis-
mantling and destroying said fort, which it was
his bounden duty to preserve and defend.

Specification Second.—In that the said Captain
Samuel T. Dyson did, on or about the 27th day
of August aforesaid, quit his post, called Fort
Washington, without any attempt to defend the
same; and, without any necessity therefor, from
the presence of an enemy, did march off the gar-
rison of the same, in violation of his duty, and
contrary to orders.

Specification Third.—In that the said Captain
Samuel T. Dyson, on or about the 27th day of
August, 1814, being commanding officer of the
garrison at Fort Washington, and an enemy be-
ing then in his vicinity, was so drunk and intox-
icated while on duty, that he abandoned and
destroyed the fort which had been intrusted to
his defence, and suffered the garrison of the same

Capture of the City of Washington.

to disperse, without being pressed to the measure for the safety of himself and the garrison aforesaid.

R. H. WINDER,
Army Judge Advocate.

The court having heard all the evidence adduced, whether on the part of the prosecution or the defence, and after due deliberation thereon, pronounce the following sentence:

On the first specification of the first charge, the court find that Captain Samuel T. Dyson, of the United States' corps of artillery, being commanding officer of the United States' fort, Fort Washington, did, on or about the 27th day of August, 1814, when an enemy was approaching said fort, misbehave himself before the enemy, and shamefully abandon the fort and post which he then and there commanded, and which it was his bounden duty to defend.

The court find the said Captain Dyson guilty of the second specification of the first charge.

The court find the said Captain Dyson guilty of the first charge.

In like full and deliberate manner, the court took into consideration the second charge, and the three specifications attached to the charge.

The court find the said Captain Dyson guilty of the first specification of the second charge.

The court find the said Captain Dyson guilty of the second specification of the second charge.

The court acquit the said Captain Samuel T. Dyson of the third specification of the second charge.

On the second charge the court find the said Captain Samuel T. Dyson guilty of conduct unbecoming an officer, but do not find him guilty of conduct unbecoming a gentleman.

The court do sentence Captain Samuel T. Dyson to be dismissed the service of the United States.

The Major General commanding the district approves of the proceedings and sentence of the general court martial in the foregoing case, and accordingly pronounces Samuel T. Dyson dismissed the service of the United States.

The general court martial, whereof Brigadier General Smith is President, is hereby dissolved.

By command: W. SCOTT.

FRANCIS S. BELTON,
Ass't Adj't Gen., 10th Mil'y Dist.

No. 13.

Report from the Corporation of Alexandria, including the capitulation, and letter from General John Mason.

ALEXANDRIA, Sept. 28, 1814.

SIR: I had the honor of receiving your letter of the 26th instant, by this day's mail, and hasten to comply with your request therein contained. The enclosed printed statement is an official act of the Common Council of Alexandria, and contains a full and true account of the occupation of this town by the enemy, and of the circumstances connected with that event, and a copy of the terms imposed by Captain Gordon, the commander of the British squadron on the town of Alexandria.

There was no correspondence between the Common Council and the enemy, other than that mentioned in the statement.

As you request a statement of any other proceedings of the town of Alexandria, in a corporate capacity, touching the inquiry embraced in the resolution enclosed in your letter, I think it proper to state that, on the 8th of May, 1813, the Common Council appointed a deputation to wait on the President of the United States, and apprise him of the defenceless state of the town of Alexandria; accordingly, the persons appointed waited on the President, and represented to him the defenceless state of the town, and the fears of the citizens that the Navy Yard, public buildings, and cannon foundry, would tempt the enemy to make an attack on the District. He observed, that the representation of any respectable body of men was entitled to attention; and that the subject should be taken under consideration, or words to that effect.

On the 11th of May, in the same year, the Common Council appointed a committee to confer and co-operate with committees appointed by the constituted authorities of the City of Washington and Georgetown relative to the defence of the District. Those several committees soon afterwards met in the City of Washington, and appointed a sub-committee to wait on the Secretary of War, and on the Secretary of the Navy, and to solicit them to take measures for the defence of the District, and application on that subject was accordingly made to them by the sub-committees. The Common Council of Alexandria has appointed a committee to attend the committee of Congress appointed to inquire into the causes of the success of the enemy in his recent enterprises against the Metropolis and Alexandria, who will give every information which may be required of the proceedings of the Common Council, and of the citizens of Alexandria, in relation to the enemy. I have the honor to be, &c.

CHARLES SIMMS.

A Report of the Committee of Council on the late occupation of Alexandria, by a British squadron, under the command of Captain James A. Gordon.

IN COUNCIL, Sept. 7, 1814.

Present: Thomas Herbert, President; John Gird, Andrew Fleming, Henry Nicholson, J. B. Paton, John Cohagen, James Milan, John Hunter, Reuben Johnston, R. I. Taylor, William Veitch, Anthony Rhodes.

The following narrative of the occupation of this town by the enemy, and of the circumstances connected with that unfortunate transaction, having been submitted to Council, and duly considered and examined, the Council do unanimously concur therein; and it is thereupon ordered, that it be published in both of the papers printed in this town.

T. HERBERT, Pres't.

At a meeting of the Committee of Vigilance, this 7th of September, 1814,

Present: Charles Simms, Mayor; Joseph Dean,

Capture of the City of Washington.

Matthew Robinson, Jonah Thompson, William Herbert, Thomas Vowell, Edmund I. Lee.

The following narrative of the occupation of the town of Alexandria by the British squadron, was submitted to the committee, who, upon examining the same, unanimously concur in it.

CHARLES SIMMS,
Chairman.

THOMAS VOWELL, *Secretary.*

A respect for the opinions of others, and a due regard for the character of the citizens of Alexandria, have induced the municipal authorities of the town to exhibit to the public a faithful narrative of the occupation of Alexandria by the British squadron under the command of Captain Gordon, together with the causes which led to that distressing event.

To those who are unacquainted with the situation and condition of Alexandria, in regard to its means of defence, it will be proper to state that it is situate in the District of Columbia, upon the west bank of the river Potomac, about six miles below the City of Washington, the depth of water admitting large frigates to come to the very wharves of the town.

It is totally destitute of fortifications of any kind, and its protection against invasion by water depended entirely upon a fort about six miles below the town, commonly known by the name of Fort Warburton, which was exclusively under the control of the Government of the United States.

About the month of July last, it was announced that General Winder was appointed to the command of the tenth military district of the United States, comprehending the District of Columbia, and a portion of the adjoining States of Virginia and Maryland, including the city of Baltimore.

In consequence of reports that the enemy contemplated an attack upon the City of Washington, the municipal authority of Alexandria thought it advisable to appoint a committee of vigilance, for the purpose of procuring information of the approaches of the enemy, and of obtaining assistance and advice as to the measures which it might be proper to pursue for protection and defence. As soon as this committee was appointed, they caused representations to be made to General Winder of the defenceless condition of the town, and earnestly entreated that some measures should be taken for its protection. General Winder was called on, because it had been distinctly understood that the Secretary of War would receive our communications through this channel only. From General Winder every assurance was made that could have been wished, that everything in his power should be done for the protection of the town. His means, however, were very inconspicuous; he had no money to expend in fortifications, or even in the erection of batteries; and unless some defence of this sort could be obtained, the town would be exposed to the mercy of the enemy, if he should approach by water, and should succeed in passing the fort. The committee of vigilance was duly impressed with the necessity of providing some adequate defence against an

attack by water; and some of its members, under the authority of the committee, had repeated interviews with General Winder on this subject. In one of them, the President of the United States was present, and he was distinctly given to understand that, unless there was provided an adequate defence for the town, it would be at the mercy of the enemy, and would be compelled to make the best terms in its power. These representations and requests produced no other effect than the repetition of the assurance of an earnest desire on the part of General Winder to afford every assistance in his power.

On the 19th of August, a levy *en masse* was made of the militia of the town and county of Alexandria, and on the 20th and 21st they were ordered to cross the Potomac, and stationed between Piscataway and Fort Warburton. They took with them all the artillery which had been mounted at the expense of the corporation, except two twelve-pounders, which were left without ammunition, and nearly all the arms belonging to the town. They left no men but the *exempts* from age and other causes, and a few who had not reported themselves, or had found substitutes; and it is not believed that, after their departure, one hundred effective armed men could have been mustered in town. The two iron twelve-pounders remained until the 25th, when Alexandria being open to the enemy, then in full possession of Washington, they were removed some distance from the town, by orders received from General Young.

On the night of the 24th, the Alexandria militia were ordered to recross the Potomac; they did so, and were marched through the town, without halting, into the country, and without giving information to the authorities or inhabitants of the place of their destination; and on the evening of the 27th, when the fleet approached, the municipal authorities of the town knew not where they were. It has since appeared, that they were *then* stationed about nineteen miles from town, by the orders of General Winder. It is here proper to state that General Winder, on the morning of the 24th, informed the members of the committee of vigilance, who waited on him, that he could send no part of the forces with him to Alexandria, but that he had ordered General Young to cross over to Alexandria, if practicable, if not, to fall down the river. The committee of vigilance, on receiving this information, sent boats over to the Maryland shore, sufficient in number to bring over the whole of General Young's force at once; but when the boats reached him, he had received orders from the Secretary of War to retain his position, as General Young, in a communication to the Mayor, stated.

The committee of vigilance, despairing of obtaining any assistance from the General Government, and having information of the rapid approach of the enemy towards the Capital by land, and that their squadron was approaching Alexandria by water, deemed it their duty to recommend to the Common Council a resolution to the following effect: "That, in case the British vessels should pass the fort, or their forces

Capture of the City of Washington.

approach the town by land, and there should be no sufficient force, on our part to oppose them, with any reasonable prospect of success, they should appoint a committee to carry a flag to the officer commanding the enemy's force, about to attack the town, and to procure the best terms for the safety of persons, houses, and property, in their power." This recommendation was made on the day of the battle at Bladensburg, and, on the same day, was unanimously adopted by the Common Council.

The battle of Bladensburg having terminated in the defeat of our troops, and General Winder having been obliged to retreat from the capital towards Montgomery Courthouse, about fifteen miles to the west of it, the City of Washington was left in the entire possession of the enemy. The citizens of Alexandria saw nothing to impede the march of the British to their town—saw nothing to restrain them from committing the most brutal outrages upon the female portion of the society, having neither arms nor men to make defence with. The President of the United States and the Heads of the Departments were absent, and it was not known where they were to be found; no military commander or officer of the General Government was present to direct or advise.

In this state of things, it was considered by the Common Council as their duty to send a flag to the British commander at Washington, to know what treatment might be expected from him, in case his troops should approach Alexandria, and should succeed in obtaining possession of the town. Admiral Cockburn, to whom the communication was made, assured the very respectable gentlemen who bore that flag, that private property, of all descriptions, should be respected; that it was probable that fresh provisions and some flour might be wanted, but that, whatever they did take, should be paid for.

While these things were going on in the City of Washington, the British squadron had been gradually ascending the Potomac, and on the 27th of August, three days after the battle at Bladensburg, it reached Fort Warburton. No change had taken place in relation to the means of the defence of the town of Alexandria. Upon the fort did the safety of Alexandria now entirely depend. The citizens looked with great anxiety to this point for protection; but, to their great surprise and mortification, and without the concurrence or the wish of the municipal authority of the town, or of any member of it, the fort was abandoned, and the magazine blown up, by the United States' garrison, on the evening of the 27th, without firing a single gun. The following correspondence between the Secretary of War and the commander at the fort, shows by what authority he acted:

Copy of a letter from the Secretary of War to Captain Dyson, dated

AUGUST 29, 1814.

SIR: I send Captain Manigault with orders to receive your written or verbal report of the causes

under which you left the post committed to your charge. In this you will state the orders under which you acted, and from whom received.

I am, sir, your most obedient servant,

J. ARMSTRONG.

Capt. DYSON, *Corps of Artillery.*

CAMP AT MASON'S ISLAND,

August 29, 1814.

SIR: I had the honor to receive your communication of the 29th instant. The orders received from Brigadier General Winder, through Major Hite, verbally, on the 24th instant, were, in case I was pressed by or heard of an enemy in my rear, to spike our guns, and make my escape over the river. The enemy approached by water on the 27th, and we had learned that day, through several channels, that the enemy had been reinforced at Benedict two thousand strong, and that they were on their march to co-operate with the fleet, in addition to the force which left the city. Under all these circumstances the officers under my command were consulted, and agreed it was best to abandon the fort and effect a retreat. The force under my command was thought not equal to a defence of the place.

I have the honor to be, with great consideration, your obedient servant,

SAM. T. DYSON,

Capt. corps Artillery.

HON. JOHN ARMSTRONG,

Secretary of War.

This relinquishment of the fort decided the fate of Alexandria. Nothing was left to oppose the progress of the squadron, and on the morning of the 28th it passed the ruins of the fort on its way to the town; their barges had sounded a considerable distance above. About ten o'clock of the morning of the 28th, after the squadron was above the fort, the committee appointed by the Council to bear the flag to the enemy, in case they should pass the fort, set out upon their mission, and proceeded to the ship commanded by Captain Gordon. They requested to know what his intentions were in regard to the town of Alexandria. They were informed by Captain Gordon that he would communicate his terms when he came opposite the town. But he assured them that, in the meantime, if the squadron was not molested by the inhabitants, the persons, houses, and furniture of the citizens, should not be injured. One of the gentlemen who attended the flag was the Mayor. Upon his return from the squadron he was informed that a small detachment of cavalry, from the army of General Hungerford, had been in town, probably for the purpose of reconnoitering the enemy; that it had remained but a short time. Upon inquiry, it was understood that the army of General Hungerford was at that time about sixteen miles from Alexandria, on its march to that place, having followed the British squadron along the shores of the Potomac a great part of its way up. The force of General Hungerford was composed of infantry and cavalry, with two or three small pieces of artillery, not calculated to afford any protection to the town.

Capture of the City of Washington.

The municipal authority of the town had received no advice of the approach of this army; and after the return of the flag it was too late to enter into any arrangement with General Hungerford for defence: he was too distant to afford relief.

The squadron having suspended its approach to the town, did not reach it until the evening of this day. On the morning of the next day, to wit, the 29th of August, it arranged itself along the town, so as to command it from one extremity to the other. The force consisted of two frigates, to wit, the *Seahorse*, rating thirty-eight guns, and *Euryalus*, rating thirty-six guns; two rocket ships, of eighteen guns each; two bomb ships, of eight guns each; and a schooner of two guns, which were but a few hundred yards from the wharves, and the houses so situated that they might have been laid in ashes in a few minutes. About ten o'clock in the morning of the 29th, Captain Gordon sent to the Mayor the following terms:

HIS MAJESTY'S SHIP SEAHORSE,
Off Alexandria, Aug. 29, 1814.

GENTLEMEN: In consequence of a deputation yesterday received from the city of Alexandria, requesting favorable terms for the safety of the city, the undermentioned are the only conditions in my power to offer:

The town of Alexandria, with the exception of public works, shall not be destroyed, unless hostilities are commenced on the part of the Americans; nor shall the inhabitants be molested in any manner whatever, or their dwelling houses entered, if the following articles are complied with:

Article 1. All naval and ordnance stores, public and private, must be immediately delivered up.

Article 2. Possession will be immediately taken of all the shipping, and their furniture must be sent on board by the owners, without delay.

Article 3. The vessels that have been sunk must be delivered up in the state they were in on the 19th of August, the day of the squadron passing the Kettle Bottoms.

Article 4. Merchandise of every description must be instantly delivered up; and, to prevent any irregularities that might be committed in its embarkation, the merchants have it in their option to load the vessels generally employed for that purpose, when they will be towed off by us.

Article 5. All merchandise that has been removed from Alexandria, since the 19th instant, is to be included in the above articles.

Article 6. Refreshments of every description to be supplied the ships, and paid for at the market price by bills on the British Government.

Article 7. Officers will be appointed to see that the articles Nos. 2, 3, 4, and 5, are strictly complied with; and any deviation or non-compliance, on the part of the inhabitants of Alexandria, will render this treaty null and void. I have, &c.

JAMES A. GORDON,

Capt. of His Majesty's ship Seahorse, &c.

To the COUNCIL of the town of Alexandria.

Upon the Mayor's receiving them, he sent for the members of the Committee of Vigilance. These terms were borne by one of the officers of Captain Gordon's frigate, who stated that but one hour was allowed him to wait for a reply to them. Upon their being read by the Mayor and the committee, it was observed to the officer, by the Mayor and one of the committee, that it would be impossible that the Common Council could accede to several of them; that the municipal authority of the town had no power to recall the merchandise that had been sent out subsequent to the 19th of August. The reply of the officer was, in that case it would not be expected.

He was further informed, that it would not be in the power of the Common Council to compel the citizens to assist in getting up the sunken vessels. The officer answered, that their sailors would then do it. He was required to explain what was intended by the term merchandise, as used in the fourth article. He answered, that it was intended to embrace that species of merchandise only that was intended for exportation, such as tobacco, flour, cotton, bale goods, &c.

The Mayor, and one of the committee, requested to know whether the Commodore intended to require a delivery of any more of the merchandise than he could take away with them. He answered, it would not be required. This explanation was afterwards recognised by Captain Gordon. With these verbal explanations the preceding terms were submitted to the Common Council. It will be here proper to remark, that, when these terms were proposed and submitted to the Common Council, General Hungerford had not arrived with his army, nor did it reach the suburbs of the town until the night of that day. The town was still without any means of defence, and it was evident that no defence could avail, but that species of force which would be calculated to drive the ships from their moorings. No communication had been received from the officers of the General Government, and the town appeared to be abandoned to its fate. Under these circumstances the Common Council could have no hesitation as to the course to be pursued. The citizens of the town, of all descriptions, with an immense value of property, were entirely in the power of the enemy, whose naval commander, according to the proclamation of the President of the United States, dated on the first of September, has declared his "purpose to be to employ the force under his direction in destroying and laying waste such towns and districts upon the coast as may be found assailable." A similar declaration had been made by Captain Gordon to the committee who bore the flag. Against the attack of such an enemy was the town of Alexandria, without any means of defence whatever. The people of the town were at his mercy, and compelled to yield to such terms as the "victor" might think fit to prescribe. If the members of the municipal authority, and citizens of the town, had given loose to the feelings of indignation which the occasion had excited, and had sacrificed the town, and exposed their wives and

Capture of the City of Washington.

daughters to the wanton insults of an unrestrained enemy, they would have betrayed their trusts, and have deplored the consequences.

The Common Council, therefore, were obliged to yield submission to the terms as explained, and did, thereupon, pass and publish the following resolution :

“*Resolved*, That the Common Council of Alexandria, in assenting to the conditions offered by the commander of the British squadron now off the town, has acted from the impulse of irresistible necessity, and solely from a regard to the welfare of the town; that it considers the assent by it given as only formal, inasmuch as the enemy had it already in their power to enforce a compliance with their demand by a seizure of the property required from us; and believing the safety of the persons of the inhabitants, of their dwellings, and of such property as is not comprehended within the requisition, to depend entirely on the observance of the terms of it, the Common Council recommends to the inhabitants an acquiescence, at the same time that it does expressly disclaim the power of doing any act on its part to enforce compliance, its authority, in this particular, being limited to recommendation only.”

In the execution of the terms proposed by the enemy it is proper to state, that the verbal explanations made by the officer to the Mayor, were generally adhered to. No merchandise was required to be brought back to the town; no assistance was required of, or offered by the citizens, in getting up the sunken vessels. The depredations of the enemy, with a few exceptions, were confined to flour, cotton, and tobacco, which they carried off in some of the vessels then at the town. Only one vessel was burnt; no private dwelling was visited or entered in a rude or hostile manner, nor were citizens personally exposed to insult.

The loss sustained from the enemy, it is believed, will not exceed the following: three ships, three brigs, several bay and river craft, the number of which has not been ascertained; all of which were carried away, and one ship burnt. The quantity of flour carried away, it is believed, will not exceed sixteen thousand barrels; about one thousand hogsheads of tobacco, and one hundred and fifty bales of cotton; and of wine, sugar, and other articles, not more than five thousand dollars' worth.

I, Israel P. Thompson, Clerk of the Common Council of Alexandria, do certify, that the above is a true copy from the original.

ISRAEL P. THOMPSON, C. C.

OCTOBER 6, 1814.

ALEXANDRIA, Oct. 7, 1814.

SIR: In pursuance of the enclosed resolutions of the Common Council of Alexandria, dated the 27th September, 1814, marked A, appointing us a committee, on the part of the town, for the purpose therein mentioned, we beg leave to lay before the committee of Congress the following statement and accompanying documents:

Misrepresentations of the conduct of the citi-

zens of Alexandria, when the British squadron approached this place, having been circulated through the Union, the Common Council have deemed it their duty to lay before Congress a true history of the steps which the citizens have, from time to time, taken, in order to guard against that misfortune which has come upon them—a misfortune they deplore as much on the national, as on their own individual account. The citizens of Alexandria rejoice that an opportunity has been afforded them to lay before Congress a faithful narrative of the proceedings which self-preservation compelled them to adopt. It will show that they did all in their power to avert the blow.

In the month of October, 1812, a volunteer company was raised in Alexandria, and stationed at Fort Washington, in the manner stated in the letter of Captain McGuire, marked B. In the month of March, 1813, the artillery company of Alexandria, then commanded by Captain Mars-teller, was stationed at Fort Washington. See Captain Griffith's certificate, marked C. On the 21st March, 1813, the Common Council appointed the Mayor of the town, and the President of the Council, to wait upon the Secretary of War, in company with the Colonel of the second legion, to request a supply of arms and ammunition for the use of the militia in the defence of the town. See document D. On the 8th of May, 1813, the Common Council appointed four respectable citizens to wait upon the President of the United States, and apprise him of the defenceless state of the town; which order is marked E. That committee, in compliance with the wishes of the Corporation, did wait on the President; the result of the interview they had with him will be found in the paper marked F. On the 8th of May, 1813, the Council appropriated \$1,500, out of the funds of the Corporation, for mounting the cannon belonging to the town. See document marked D. On the 11th May, 1813, the Common Council appointed a committee of vigilance, to confer and co-operate with the committees of Washington and Georgetown, in requiring assistance from Government, for the general defence of the District of Columbia. See document E. A deputation from the committees of the three towns waited upon General Armstrong; the result of their conference was such as is stated in the certificate of Colonel George Deneale, one of the persons who waited upon the Secretary of War. See his certificate, marked G.

The Secretary of War did send an engineer, as he promised, who made a report to him, a copy of which is hereto annexed, and is marked H. The Common Council, on the 23d of July, 1814, passed two resolutions, and appointed a committee of vigilance, for the purposes in said resolutions expressed. See E. In pursuance of these last resolutions, the committee of vigilance proceeded to take such measures as they could, towards complying with the object of their appointment; they passed the resolutions which are marked I. In pursuance of the first resolution of the committee of vigilance General Winder was

Capture of the City of Washington.

waited upon, and a few days after he visited Alexandria, had an interview with some of the committee of vigilance and Colonel Deneale, as will appear by the certificate of Colonel Deneale, marked K.

The banks of Alexandria and Potomac, on the 6th and 13th of August, loaned to the General Government, the one ten thousand, and the other twenty-five thousand dollars, upon the conditions that the same should be applied to the erection of fortifications for the District of Columbia, south of Alexandria. See the letters of the presidents of those banks, marked L and M. The Corporation, on the fifteenth of September, 1814, appropriated out of the funds of the town twelve hundred dollars, for the purpose of paying the expenses of laborers and carts to be employed in the erection of fortifications for the defence of the District. See document D.

The committee having laid before you the documents which exhibit the efforts of the citizens of Alexandria to have the town defended from invasion, beg leave to lay before the committee a report of the Common Council and committee of vigilance, dated on the 7th of September last, of the conduct of the citizens when the British squadron approached Alexandria. See document marked N. When the first attempt was made, on the 25th of August, to blow up the south end of the Potomac bridge, six hundred stand of arms were blown up, about two hundred of which remained uninjured and fit for use; these were collected together by Mr. Joseph Dean, one of the committee of vigilance, and sent to the Little Falls of Potomac for safety. When General Hungerford's army arrived in the neighborhood of Alexandria, these arms were ordered to be delivered to General Hungerford. See Mr. Dean's certificate, O. On the 30th of August the Mayor apprized General Hungerford where two twelve-pounders, which had been by the order of General Young removed from town, could be found. See the Mayor's letter, marked P, and the reply of General Hungerford, signed by James Mercer, his aid, marked Q.

The day on which the enemy left Alexandria, a letter, purporting to be from Admiral Codrington, dated 28th August, 1814, addressed to the commanding officer of the British squadron in the Potomac, with the cover which now encloses it, was handed from the post office in this place to Mr. Joseph Dean, one of the committee of vigilance; how it got into the post office we know not; we can refer the committee to Mr. Thomas P. Gilpen, the deputy postmaster here, and to Mr. Basil Spalding, of Maryland, who, we have reason to believe, can give some account of the route the letter came to Alexandria; this document is marked R. If the committee should require any further information, or explanation, we shall be ready, at all times, to give it as far as we can.

We are, with great respect, &c.

WM. NEWTON,
EDM. I. LEE,
JOSEPH DEAN,
G. DENEALE.

ALEXANDRIA, Nov. 20, 1814.

SIR: From the appearance of the enemy's squadron in sight of Alexandria, on the evening of the 27th August last, until its departure on the 3d of September, I remained in town, with the exception of an absence of a few hours on the day last mentioned.

Among the many base calumnies propagated respecting our unfortunate town, by men more profligate than the enemy who plundered us, there is none more cruel and unfounded than the charge of the inhabitants having surrendered the property of strangers to procure safety for their own.

The printed narrative of the Common Council contains all the material facts connected with the capture of the town, and it is not in my power to add anything of importance. The charge above mentioned, which you have particularly noticed in your letter of the 19th instant, I can assure you, is totally destitute of truth. The people of Alexandria did not afford the enemy any assistance in removing or shipping the plundered property; nor did any instance, to my knowledge, occur of any individual having attempted to save his own property by turning the attention of the enemy towards that of another. In respect to persons, the plunder was indiscriminate. The enemy not having the aid of horses or carriages for the removal of the property, from a regard to their own convenience, and not the suggestions of others, confined their depredations to the warehouses on the water, in which large quantities of produce were contained, belonging to the inhabitants as well as to strangers: all sufferers alike.

After the Common Council had passed their resolution of the 29th of August, declaring their want of authority to require the observance of the terms to which they had been compelled to accede, and recommending submission, they did no other act at all connected with the seizure or surrender of property.

I remain, with respect, &c.,

R. I. TAYLOR.

The Hon. R. M. JOHNSON.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled, the memorial of the subscribers, citizens of the town of Alexandria, respectfully represents:

That the late capture by the British squadron of their town has afforded a pretext to wanton defamers to brand the citizens of Alexandria with every epithet of ignominy and disgrace. Not content with proclaiming their slanders through the papers of the day, some have been so unprincipled as to whisper in the ears of some of the honorable members of your body, the most illiberal accusations; one of which is, that the property of the citizens, taken from them by the violence of the invading enemy, had been voluntarily parted with by the inhabitants, and an equivalent received for it; a charge totally unfounded in fact, and without the smallest ground of truth

Capture of the City of Washington.

for its support; as your memorialists can venture to assert that not a solitary instance of the kind can be produced. When, therefore, your memorialists find the reputation of the town assailed in public and private, by those dark and restless spirits, whose delight it is to devour reputation, every virtuous and honorable mind must feel it a solemn duty to solicit, as a right, from their Constitutional governors, a strict and just investigation into the whole of their conduct. The citizens of Alexandria, in the aggregate, can fear the result of no inquiry which may be made into their conduct on the occasion alluded to. They know their motives have been pure, and that the course they took can be justified by those immutable principles of self-preservation, for the exercise of which no just Government will condemn them, and the surrender of which cannot, of right, be demanded. Your memorialists cannot forbear, on this occasion, to express their indignant surprise to find their town traduced for a conduct which every citizen in the nation would have pursued had they been abandoned, as Alexandria was, to the mercy of a victorious and powerful enemy. In this situation, what alternative had we but to tell the enemy we could not resist, because we had not the means? This is all we did. We yielded to superior power. Our weakness has been our crime. Our reliance upon the protection of our Government has been our misfortune. For this misfortune have the citizens of Alexandria been publicly charged as traitors to their country. To submit to calumny of this nature without a murmur is more than could be calculated upon. To ask an investigation is what ought to be expected from the virtuous and innocent. This request is the more reasonable when it is recollected that the President of the United States has deemed it proper, in his public proclamation, to state that Alexandria had, in yielding to the terms imposed upon them, "inconsiderately" surrendered to the enemy. Your memorialists deem it a duty which they owe to the reputation of the town, concisely to state what have been the efforts, at different times, of the citizens, to obtain an adequate defence of the town and District.

In the month of October, in the year 1812, a few months after the declaration of war, a company of about seventy volunteers was raised in Alexandria, and equipped at the expense of some of the citizens. This company was under the orders of the General Government, who had them stationed at Fort Washington, where they continued for some months, and from thence removed to Annapolis, at which place they were disbanded.

In the month of March, in the year 1813, the artillery company, forming a part of the militia of the town, consisting of about seventy men, rank and file, was stationed for about three months at Fort Washington. The municipal authority of the town, conscious of its unprotected state, and justly considering it the duty of the General Government to defend every portion of that territory which was placed under its exclusive authority,

on the 21st of March, 1813, appointed the Chief Magistrate of the town, the President of the Common Council, together with the commanding officer of the second legion of the militia of the District, to wait upon the Secretary of War, and request a supply of arms and ammunition for the use of the militia in the defence of the town. Your memorialists have reason to believe that arms were furnished a short time after this request.

In the month of May, 1813, the Common Council sent four respectable citizens to the President of the United States, to apprise him of the then defenceless state of the town. These gentlemen did wait upon and communicate to him what was the condition of Alexandria as to the means of defence; that the citizens felt great anxiety on account of the dangers with which they were threatened from the vicinity of the enemy in our waters, and the defenceless state of the District, and requested him to have some measures of defence and protection adopted as speedily as possible. To this request the President stated, that every portion of the community was entitled to the protection of the Government, and that representations of any respectable body of men had a claim upon its attention, and gave the gentlemen who waited upon him to understand that their representation would be properly attended to; he also stated it was impossible to extend protection to every assailable point of the country. The committee urged upon him the various circumstances which would invite the attack of the enemy upon the City of Washington in particular, which would of course involve the whole District in its dangers. The committee, at the same time, assured him of the perfect readiness of the citizens of Alexandria to co-operate, by their personal services, or in any other way, with the Government, in any measure of defence which it might adopt for the security of the District.

The Common Council, solicitous to provide for the defence of the town and District, as far as their limited powers and means would permit, did, in the month of May, 1813, appropriate, out of the funds of the corporation, fifteen hundred dollars, to pay for mounting some cannon which were in the town, and had been in the use of the militia while under the State government. In the month of May, 1813, a deputation from Alexandria, Washington, and Georgetown, had an interview with the Secretary of War, relative to the defenceless situation of the District. This committee did urge that a more efficient defence might be afforded for the District than then existed. It was particularly urged upon the Secretary that the fortifications at Fort Washington, commonly known by the name of Fort Warburton, should be increased. In consequence of this representation, the Government sent an engineer to examine the fort, who, on the 28th of May, 1813, reported to the War Department, as the result of his examination, that "an additional number of heavy guns at Fort Warburton, and an additional fort in the neighborhood, are both to be considered unnecessary." Notwithstanding

Capture of the City of Washington.

the repeated solicitations of the citizens of Alexandria, in the year 1813, nothing was done towards its defence, except sending an engineer to examine the fort. In silence did Alexandria submit to this neglect of their safety, until the month of July, 1814, when the Common Council again endeavored to procure an adequate defence. Gentlemen, acting under the authority of the Corporation, in the month of July, waited on the military commander of the tenth district, with the view of ascertaining what measures of defence had been taken, or were intended to be adopted, for the defence of the town of Alexandria and District. The General, who seemed to be anxious to do his duty, as far as the means within his control would enable him, stated to those gentlemen the number of militia he expected would join him, and which seemed to be all the defence he calculated upon. This was a species of defence which certainly could be of no use against an attack by water. It is too obvious, that the town of Alexandria could not be defended in any other manner than by a proper fort or forts below it, with a competent garrison. The General commanding the tenth military district visited Alexandria. The mode of defending it from a water attack was pointed out to him. To adopt it, required money; this he was not furnished with. This difficulty, however, was removed by the offer of three of the banks in Alexandria to loan the Government fifty thousand dollars, for the purpose of erecting proper defences for the District: which loan was accepted, and the money paid to the Government. No steps were taken towards securing the town from attack by water, but it was left to be defended at the fort by a garrison not exceeding eighty men, rank and file. On the 24th of August, a few hours before the battle at Bladensburg, the Commanding General and President of the United States were, by the authority of the committee of vigilance of Alexandria, reminded of the destitute state of the town as to the means of defence, and informed what would be the deplorable alternative the citizens would be reduced to if the British squadron, which was approaching the town, and was then from twenty to thirty miles below, should find their town unprotected as it was at that time. In the afternoon of the 27th of August the squadron arrived at the fort, (the magazine having been blown up, and it abandoned by the few troops of the United States which had been stationed there) without opposition. On the morning of the 28th, after the fort had been destroyed by the enemy, and after their vessels had passed it, and were in full view of the town, and not before, no officer, military or civil, of the United States, being, on this emergency, in the town or District to defend or direct, (the military of the town having been previously marched off, *en masse*, by public authority,) the municipal authority of the town were, from extreme necessity, compelled to take such steps as were best calculated to save the town from conflagration. They authorized a flag to meet the advancing foe. The result of that interview was, that the

town, and a certain part of the property, was saved from destruction and plunder, upon condition that the enemy, during their continuance before the town, should not be molested. It is due to the citizens of Alexandria, who were in it, during that distressing period, to state, that no aid or assistance was offered by them to the enemy. They remained passive but indignant spectators of that plunder which they had not the means of preventing. In support of the various allegations, stated in the preceding part of this memorial, your memorialists beg leave to refer to documents laid before the committee of the House of Representatives, upon the subject of the capture of Alexandria and Washington. Your memorialists feel it their duty, more particularly, to call the attention of Congress to a subject connected with the capture of Alexandria, and which is enveloped in a mystery, that can be dissipated only by the power of your honorable body.

On the 29th of August, the British squadron commenced taking off from the warehouses the flour and tobacco. They continued until Friday morning, the 2d of September, when the last loaded vessel was sent down the river. The post office in Alexandria had, during the time the fleet lay opposite the town, been removed into the country some miles. On Friday, the second of September, the Postmaster found in the letter-box of the house which had been used as the post office, the following letter, to wit:

"IPHIGENIA, 28th August, 1814.

"The object of the expedition being accomplished, and the inhabitants of the country upon the banks of the Potomac being alarmed for their property, on account of the presence of the British squadron in that river, the Commander-in-Chief has directed me to forward openly, by the hands of one of the inhabitants, this order, for the ships in the Potomac to retire and rejoin his flag.

"EDWARD CODRINGTON,

"Rear Admiral and Capt. of Fleet."

This letter is directed as follows:

"On H. B. M. service, to the commanding officer of H. B. M. ships in the river Potomac."

The preceding letter was found in the post office, enclosed in a letter without name, date, or post mark, addressed "to the committee of vigilance or safety of the town of Alexandria," which is in the following words:

"GENTLEMEN: Motives of a personal nature prevent my delivering the enclosure. You will best judge of the propriety of doing it in your official character, *without loss of time*."

The above did not come to the knowledge of the committee of vigilance until after the squadron had left the town with their plunder. Your memorialists have been enabled to ascertain, that the letter from Admiral Codrington was in the Office of State, early in the morning of the 31st of August, and that it was there read. Among those who saw it there was a member of your honorable body.

Capture of the City of Washington.

How or when it was sent from the Department of State, or why it was sent in the manner it was, or by whom it was deposited in the deserted post office at Alexandria, your memorialists have not been able to ascertain, nor is it in their power to do so. Your memorialists have deemed it their duty to lay the transaction, so far as it has come to their knowledge, before your honorable body. It remains for Congress to take such further steps for the development of the transaction as in their wisdom shall seem to be proper, and which justice to the citizens of Alexandria demands.

All which is most respectfully submitted.

Jacob Hoffman,	Joseph Smith,
Bathurst Daingerfield,	Thomas Laurason,
John Roberts,	Nehemiah Carson,
George Coleman,	C. P. Thompson,
W. Veitch,	Isaac Gibson,
R. F. Degge,	John D. Brown,
A. Faw,	William N. Mills,
Thomas Steel,	William H. Brown,
James Keith,	Grafton Cawood,
Thomas Moore,	Joseph Rowen,
Charles Simms,	Sanford Reid,
Ephraim Gilman,	Henry B. Deager,
William S. Moore,	Mark Butts,
William Newton,	Robert N. Windsor,
Charles J. Catlett,	Jm. Plummer,
John Hooff,	Peter Saunders,
Henry T. Compton,	Thomas Neill,
John Muncaster,	John Violett,
John Gird,	Gerrard Plummer,
John B. Paton,	Jacob Curtis,
John Potter,	William Bartleman,
Ch. Whiting,	William Tilham,
Jonathan Ross,	Thomas F. Herbert,
Barnard Crook,	J. D. Simms,
Philip G. Marsteller,	J. B. Nickolls,
Thomas Preston,	C. T. Chapman,
Alexander McKenzie,	Samuel Smith,
J. Laurason,	Charles McKnight,
William Fowle,	Israel P. Thompson,
John Lloyd,	William Herbert,
John Harper,	James Campbell,
Townshend Waugh,	James Fleming,
Matthias Snyder,	Robert Anderson,
Isaac Entwisle,	William Harper, jr.
Samuel Harper,	Thos. Janney & Co.
Thomas M. Davis,	Samuel Mark,
William Harper,	Thomas Brochus,
Joseph Harris,	Jacob Morgan,
S. Snowden,	William Gregory,
Henry Bayne,	Thomas K. Beall,
Thomas Jacobs,	Andrew Fleming,
Thomas Vowell,	John H. Phillips,
Thomas Herbert,	Henry Nicholson,
William Smith,	John D. Longdon,
Jacob Leap,	Daniel McClean,
Ebenezer Vowell,	Frederick Koons,
Anthony Rhodes,	David Koons,
Matthew Robinson,	Charles Bennett,
Bryan Hampson,	James Shethar,
James Kennedy, sen.	John H. Crease,
Silas Reed,	Joseph Cowing,
Guy Atkinson,	Newton Keene,
Benjamin Baden,	William Fox,

Joseph Mandeville,
Samuel B. Larmour,
Joseph Fowler, jr.
A. Newton,
N. Herbert,
John Jackson.

Thomas White,
W. Ramsay, of D.
John Ross,
John F. Smith,
James Allison.

GEORGETOWN, October 31, 1814.

SIR: In reply to your letter of the 28th instant, requesting, on the part of the Committee of Investigation, "all the information I have on the subject of a letter from Admiral Codrington to Captain Gordon," I have the honor to state that, on the morning of the 31st of August, some hours before day, I was called up by a dragoon, express from one of our camps below, who delivered a packet addressed to me by Admiral Cochrane; while I was opening and examining the despatch, the dragoon, who seemed to be an intelligent man, remarked to me that the British ships before Alexandria had been ordered down the river by the Admiral in the Patuxent. On questioning him, he stated that an open note to that effect, addressed to the British commander at Alexandria, had been brought to the camp from which he came, by the same messenger who had charge of the despatch I had just received from him; that he had understood both had been put into the hands of a countryman, on the shores of the Patuxent, by the enemy, from which countryman they had been taken by an American officer, and conveyed to the camp; that he heard the officer who gave him charge of the packet for me, speak of the manner in which they came, and mention the contents of the open note to other officers then near him; that the officers, as he heard them say, intended to send the note across the country, and have it put on board the British fleet by a citizen.

The letter addressed to me by Admiral Cochrane was dated on the 29th August. Under the same envelope was a letter directed to the Secretary of State. Believing that it might be of importance he should receive this without delay, I immediately, although not yet day, called on Colonel Monroe, then acting as Secretary of War, delivered the letter, and informed him of what the dragoon had reported to me relative to the open note, said to be on its way to the enemy's fleet before Alexandria. This, I am confident, was the first information received at Washington of the note in question. During the latter part of the same day, being at Colonel Monroe's quarters, (I think about one o'clock,) he told me that the open note of which I had apprized him in the morning had now found its way to him, having been brought up by one of our officers from the camp, at which the dragoon had stated he had left it, and he showed it to me. I have no recollection of its date. I remember that it was addressed to Captain Gordon, and signed by Codrington, I think, as captain of the fleet, and by order of Admiral Cochrane. The substance, I well recollect, was to direct Captain Gordon to descend the Potomac, lest alarm for their property should be given to the inhabitants by the presence of his squadron.

Capture of the City of Washington.

The contents of this note, as well as the manner chosen by the enemy for its conveyance, if it did come from him, were thought not a little singular and suspicious. The communication by water was open to him; and to express his anxiety for the fears of the inhabitants about the safety of their property from a force which had been for two years in the constant habit of burning and carrying it off in every direction on these waters, and which was at that moment emptying the stores of Alexandria of private property to an immense amount, could hardly be considered earnest; and particularly when this expression was contrasted with his determination to destroy and lay waste every district of country within his power, made known by the letter of Admiral Cochrane to the Secretary of State, of the 18th August, (since published,) which was the letter delivered by me that morning, and with which this note was understood to have come from Admiral Cochrane's fleet. Colonel Monroe took this view of the subject, and expressed his suspicions that the note was a forgery, and the possibility, if it was genuine, that, by previous concert, it might be intended to convey something different from, perhaps the very reverse of, what appeared on its face. Under these circumstances, and in the then same state of things—a preparation going on to intercept the British ships below Alexandria—some doubts were entertained of the propriety of permitting it to pass to them. He however determined that it should be disposed of in such a way as to let the citizens of Alexandria have the benefit of it, if benefit there was, and at the same time to keep the enemy in ignorance that the Government had any knowledge of it. He requested me to take charge of the note, to deliver it to a gentleman of Alexandria, and to ask of him to give it such a course immediately. I did accordingly, in about an hour after, put it into the hands of a highly respectable citizen of that town, accompanied by the request enjoined on me. He undertook the charge with great cheerfulness, and suggested, as the best mode of answering the purpose intended, that he would place it in the post office at Alexandria, under cover, addressed to one of the acting committees of the town, remarking that it would reach them in that way almost as speedily as if he were to deliver it himself; and that by this means the committee and himself would be relieved from embarrassment, if the committee were called upon to answer by the officers of the enemy, in whose power they were, as to the channel through which it had been received. I thought his reasons good, and approved of the mode he proposed to adopt. That he did so deposit the note, in the course of the same afternoon, I was informed by him on the next day; and I have no question of the fact.

Whether the enemy received this note, or when, and, if received, what influence it may have had on his conduct, I have never learned; but there is one fact notorious on this subject—that he ceased to levy contributions on the town of Alexandria about the middle of the day on which Commodore Porter's battery reached the White House,

(the position below Alexandria, selected from which to annoy him in his descent,) and that he immediately after began to draw off his ships from the station he had taken before the town. This was on the 1st day of September. Commodore Porter's artillerists and General Young's brigade crossed the ferry at Georgetown, on the expedition, at the commencement of the night of the 31st August. That this movement was known to the enemy on the next day, and instantly arrested his devastations at Alexandria, I have never had the slightest doubt. As to the time and circumstance of the movement, I cannot be mistaken, as I was with both the corps during that night, one at their encampment, and the other on their march.

In relation to the remaining part of your letter, there are no particular facts within my knowledge, that I am aware of, pertinent to the inquiry of the honorable committee into the cause of the success of the enemy in his recent enterprises against Washington and Alexandria.

With very great respect, &c.

J. MASON.

HON. RICHARD M. JOHNSON.

No. 14.

Report from the Superintendent of the Public Buildings.

OFFICE OF SUPERINTENDENT,
Washington, Oct. 29, 1814.

SIR: In answer to the inquiries you made of me yesterday, I have the honor to state that the whole cost of the under-mentioned public buildings, from the commencement to the burning by the enemy, appears as follows:

North wing of the Capitol, including the foundation walls of both wings, and of the centre or main building, and of alterations and repairs	\$457,398 36
South wing of the Capitol	329,774 92
President's House	334,334 00½
Public Offices	93,613 82
	<u>\$1,215,111 21½</u>

At the instance of a committee of the Senate, the remains of those buildings have been examined by architects and master builders, all of whom report it as their opinions, that the walls of the President's House, and both wings of the Capitol, with some inconsiderable repairs, will be safe and sufficient to rebuild on. The walls of the two offices, particularly of the upper stories, are deemed insufficient to bear new roofs, and will require taking down and renewing, as far as shall be found necessary. The amounts of the estimates for repairing and rebuilding the five edifices, making the offices fire proof, with some other improvements suggested, are from three hundred and fifty thousand dollars to upwards of six hundred thousand dollars. The largest estimate, however, embraces an expense of consider-

Capture of the City of Washington.

able amount, for completing the west part of the north wing for a library, which none of the lower estimates includes. The average amount estimated, of putting all the buildings in the state the enemy found them, appears, by dividing the aggregate amount of the estimates by the number of them, to be about four hundred and sixty thousand dollars, allowing for the materials of the burnt buildings, which may be used in rebuilding.

I have the honor to be, &c.

THOMAS MUNROE.

Hon. R. M. JOHNSON.

No. 15.

William Simmons's Letter.

WASHINGTON CITY, Nov. 28, 1814.

SIR: In answer to your note of to-day, I have to state, that, on the morning of the 24th August last, when the alarm was given that the enemy were on their march to this city, and it was expected that they would come by the way of the Eastern Branch bridge, being myself well armed, and mounted on horseback, I rode there under the wish to render all the service in my power to oppose them. When I arrived near the Eastern Branch, I found a few of the city and Georgetown uniform companies there, laying upon their arms, and understood that the President, the Secretary of War, and other officers, were at the house of a Mr. Minnifee, (where I observed their horses at the door,) and that they were holding council. I then rode down to the bridge, where there were a few sailors, with a piece or two of cannon in front of the bridge, who, I understood, were to destroy the bridge in case the enemy approached. After but little delay, I rode back to the uniform troops, who I found were getting in motion to march to Bladensburg, to which way it was then said that the enemy were coming. I immediately rode on towards Bladensburg with all expedition. When I arrived upon the hill, on this side of the Bladensburg bridge, I observed Colonel Monroe, the then Secretary of State, just in the rear of our troops, which were posted on both sides of the road, between there and Bladensburg; the cry was, that the enemy were coming, but no person appeared to be able to give any correct account of them. I then observed to Mr. Monroe, that I would go on and see the enemy, and would let them know when they were coming. I accordingly rode into Bladensburg, and halted a few minutes at Ross's tavern, where there were a few militiamen, from whom I could get no other information than that the enemy were coming on the river road. I then proceeded to a height, a little west of Ross's tavern, called Lowndes' Hill, which had a commanding prospect of the river road for a considerable distance, and which was almost fronting the hill. After remaining there for some time, I observed, at a considerable distance, a great cloud of dust rise to a great degree, which satisfied me that they were coming in great force. Some time after, I observed a few horsemen, not in uniform, on the road, who appeared to be reconnoi-

tering, and were soon followed by troops that filled the road. They appeared to march very slow, and in close order, not less than twenty-four or thirty abreast in front, and the horsemen before spoken of, sometimes in front, and at other times a little to the right of the front; which position they marched in until they nearly approached the foot of the hill, and not more than a gunshot from me, where I was sitting on my horse, and the road in full sight for near a mile, and that filled with British troops, and still approaching. At this time there was not a person in sight of me, other than the enemy, except one dragoon, who appeared to have been posted there a little to my left, upon the same hill, where I left him, and have since understood he was taken by the advance party of the enemy. When they approached to the foot of the hill, and I expected they might attempt to cut off my retreat to the bridge, I fell back, and descended the hill in the front of Mr. Lowndes' house; and, immediately after I crossed the bridge, I looked back, and found that the advance party of horse had got into the Annapolis road, to the east of Lowndes' house, about twenty-four of them went up a lane in Bladensburg, towards the Baltimore road, leaving six or eight at the entrance of the lane.

I then was proceeding to our troops, to give information, when I met the President, General Armstrong, Colonel Monroe, and Mr. Rush, the Attorney General, considerably in advance of all our troops, going immediately into Bladensburg. I observed, on meeting them, "Mr. Madison, the enemy are now in Bladensburg!" He exclaimed, with surprise, "the enemy in Bladensburg!" and, at the same moment, they all turned their horses and rode towards our troops with considerable speed. I called out aloud, "Mr. Madison, if you will stop I will show them to you; they are now in sight." He paid no attention. They all rode off very fast, except Mr. Rush, who halted; and I observed to him that there are part of the enemy stopping at that lane; he said that cannot be the enemy, they are not in uniform. I told him that they were a part of the advance party, that the others had gone up the lane, and that not any of them were in uniform. At this moment the red-coats began to heave in sight, in two sections, some in the rear, and others in the front, of Lowndes's house, and were forming in the Annapolis road. Mr. Rush, on seeing them, observed, "I am satisfied;" and turned his horse very suddenly to ride away, when his hat fell off, and he rode some distance without it, when I called out to him "Mr. Rush, come back and take up your hat;" which he did, and then pursued his company with all speed. Our troops, before I could get up to them, began to fire, from the left of the line, with cannon and small arms, into the town of Bladensburg. I supposed, at the time, it was from the information communicated by Mr. Madison from me, as I was the last person from Bladensburg. I immediately rode up the hill, expecting to find some of the Heads of Departments, to endeavor to get them to stop the firing, until it could be more

Capture of the City of Washington.

effectual. I could not see the President or any of the gentlemen that were with him when I gave him the information. But I observed General Winder in the rear of the line, who I found to be the commanding officer. I immediately addressed him, and informed him that I was just from Bladensburg, and that there was but a very small party of the enemy in the town; that they had commenced firing too early; and that, if they would reserve their fire for a few minutes, the British troops were then coming down the hill, and were about to form on the Annapolis road, when they would be able to do some execution; for they were then heaving their fire away. I found that General Winder appeared to pay but little attention to what I had said. I remained upon the battle ground for some time, and until the retreat was ordered, and everything and every body appeared to be in the greatest confusion, no point fixed for rallying, or bringing the enemy to action, and the greater part of our troops were retreating in the greatest disorder. I returned to the city, and stopped at the President's House, which I found entirely abandoned, excepting one white servant, who informed me that the President had returned from the battle ground, and that he had gone out of the city. I observed at the President's door two pieces of cannon, well mounted on travelling carriages, which had been fixed there for the defence of the house, under a guard of soldiers, for some time, which was also abandoned. This being late in the day, and the most of the retreating soldiers having passed by, there was, however, still some coming on, very much fatigued, and worn down with hunger and thirst. I stopped a number of them, and plied them with plenty of brandy, which I got the President's servant to bring forward from the house. I then prevailed upon the soldiery to remove the cannon, by hand, towards Georgetown, where they were saved from falling into the hands of the enemy, who took possession of the house soon after. This now being near night, and not seeing a single military man in the city, I retired a few miles in the country, where I soon was a spectator to the conflagration of the Capitol, President's House, &c.

I remained in the vicinity of the city until after the enemy had abandoned it, when I returned; and in a day or two after, when stopping at the door of Colonel Monroe, who was present, as well as Mr. Madison, Mr. Rush, and several other gentlemen, Mr. Rush observed to me, Sir, we consider ourselves under obligations to you for preventing our falling into the hands of the enemy at Bladensburg; observing, at the same time, that they were going immediately into Bladensburg, understanding that General Winder's troops were there, and that they should have supposed the advance part of the enemy, not in uniform, were a part of Winder's troops. The foregoing is as correct a narrative of facts as I can at this time recollect.

I am, sir, with great respect, &c.,

WM. SIMMONS.

Hon. R. M. JOHNSON, &c.

SUPPLEMENTARY DOCUMENTS.

GEORGETOWN, Dec. 16, 1814.

SIR: I had the honor to receive yours of yesterday. My statement shall be concise as possible. On perusing, in the National Intelligencer, of the 10th instant, the report of the committee of which you are chairman, the following passage arrested my attention: "From early in the morning till late in the afternoon, Colonel Minor sought Colonel Carbery diligently, but he could not be found. He rode to headquarters and obtained an order from General Winder upon the arsenal, for arms, &c.—marched to the place with his regiment. Colonel Carbery arrived at the moment, and apologised for his absence, and informed Colonel Minor that he had, the evening before, ridden out to his country seat."

Without adverting to the information on which the committee may have thought proper to rely, for what is stated in the above extract, I shall merely proceed to state some facts, supported by respectable testimony, which, it is believed, will, in the opinion of the committee, completely invalidate what is there set forth.

1. It will appear that, on the night of the 23d of August, between the hours of nine and eleven, I was seen between Capitol Hill and the camp. See the certificate of Major Marsteller, Deputy Quartermaster General, No. 1. That, late at night of the 23d, I arrived at Mr. Semmes' hotel, in Georgetown; that I lodged there that night; was seen about sunrise next morning, near McLeod's hotel, on the Pennsylvania avenue; and that afterwards I returned to my quarters in Georgetown and breakfasted. See Nos. 3 and 4, given by Mr. Semmes, my landlord, and Captain Cassin, of the District militia. That, on the morning of 24th August, between seven and nine, I signed requisitions for arms, &c., for Colonel Minor, and gave them to the surgeon of his regiment. See Lieutenant Hobbs, No. 2. That Doctor Jones, who was with our troops when the action commenced, returning to his hospital to attend to his duties there, saw Colonel Minor's troops halted on Capitol Hill, and thinks they were getting their dinners. See his certificate, No. 5. That, in the opinion of Lieutenant Baden, of the ordnance department, Colonel Minor's troops, from the time they arrived at the arsenal, had sufficient time to have got their arms, &c., and have marched to the battle ground before the action commenced. See his certificate, No. 6.

These certificates being in your hands can easily be referred to.

I have the honor to be, with great respect, sir, your obedient servant,

HENRY CARBERY,
Colonel 36th U. S. Infantry.

Hon. R. M. JOHNSON,
Chairman of a Committee of Congress.

George W. Campbell's Letter.

NASHVILLE, (TEN.) Dec. 7, 1814.

SIR: I have had the honor to receive your letter of the 29th October last. You request that I

Capture of the City of Washington.

should give the committee, of which you are chairman, such facts and views as may be in my power respecting the proceedings of a Cabinet Council on the 1st of July last, in relation to the defence of military district No. 10; and on the subject of a conversation that took place between the President and myself, on the 24th of August, respecting the part General Armstrong was to take at Bladensburg; and also any other facts and views that may be thought pertinent to a fair and impartial inquiry into the causes of the fall of the Capital of the United States.

The information requested by the committee shall be given without reserve, so far as my recollection and state of health will enable me. I deem it, however, proper, previously, to state, that, according to the views I entertain of the relations existing between the Executive and the other members of the Government, usually called on to assist in council, I should not consider myself bound, on such application as the present, to disclose, in all cases, the proceedings which may have taken place at such council, or what may have passed at a conversation held with the President individually, such as that above referred to, as such disclosure might justly be considered as restrained; in the former case, on the ground of official, and in the latter, on that of personal confidence; and, without taking into consideration the effect of the restraint that would naturally be imposed on such deliberations and interchange of sentiments, by establishing the precedent that they were liable to public disclosure whenever called for, there might be cases in which the public interest would be compromised by such development. I do not, however, consider the present such a case; and I have no motive for withholding the information required on account of any bearing it might be supposed to have on my own conduct on that occasion, or on that of any other member of the Government, as I am perfectly satisfied it is the desire of the Executive, and presume it is so also of the other members, that every circumstance calculated to throw light on the subject before the committee, and develop the real causes which led to the late events at the Seat of Government, should be disclosed without reserve. Under these impressions, therefore, I act, in giving the information desired.

At the Cabinet Council referred to, held on the 1st of July, by the members of the Government, convened by request of the President, I was present. Despatches had been received, a few days previously thereto, from two of our Ministers (Messrs. Gallatin and Bayard) in Europe, the consideration of which, according to my present impressions, was the principal object of the conference. They were accordingly taken up for deliberation, and the changed aspect of affairs in Europe, as unfolded by them, as well as by information derived from other sources, was brought into view. The subject of our foreign relations, generally, was taken into consideration, and the effect the late great events on the Continent would be likely to produce upon them was freely spoken of. It was stated as probable, first, I believe, by

the President, that England, considering her own relative power and influence greatly increased, would be disposed to employ a considerable portion of her military and naval forces, lately disengaged from the great European contest, in prosecuting the war against this country; that she might be expected to strengthen herself in Canada, and carry on her depredations against our Atlantic coast on a scale more extended than heretofore. Some general remarks were also made on the propriety of adapting our measures to that state of things an increase of the enemy's forces would produce; and there appeared a concurrence of opinion among the members as to the importance of providing the means, and making the requisite arrangements, for defending not only district No. 10, including the Seat of Government, but, as far as practicable, every other portion of the Union, against which an attack might reasonably be expected; but I do not at present recollect any specific proposition, made while I was present, in relation to the defence of that district, or any other place in particular. I cannot, however, undertake to state in detail all the proceedings that took place in relation to this subject on that occasion. The state of my health was very imperfect, and some official duty, according to my present recollection, requiring to be attended to at a certain hour, occasioned me to withdraw before the subject of the defence of the Seat of Government was formally taken up for decision; nor do I now recollect of being present when the question on that subject was decided. The President, either on my return the same day, or shortly after, informed me it had been determined to call forth and organize a force deemed sufficient for the defence of the district, and particularly the Seat of Government, of which measure I approved; and, from the Secretary of War, I afterwards understood the number to be called on for that purpose was fifteen thousand men, which appeared to me amply sufficient. Nothing further occurs to me, at present, in relation to what passed at that conference, while I was present, on the subject of the defence of the Seat of Government. I recollect that, about this time, the President, in conversation, stated his impressions to be, on the fullest consideration he had been able to give the state of affairs in Europe, in connexion with the disposition of Great Britain, as far as it could be ascertained from the late despatches of our Ministers, as well as from other sources of information, that we ought to calculate she would direct a considerable portion of her numerous forces, liberated from the late great conflicts on the Continent, and left entirely at her disposal, against this country, either to produce a favorable effect on the pending negotiation, and, if disposed to peace, close the war with some brilliant achievement calculated to give her arms the air of éclat; or, if not so disposed, for the purpose of prosecuting the war more vindictively, and possibly with a view to other more ambitious objects; and that, whatever might be her ulterior views, we ought to expect that Washington City, being the Seat of the National Government, and,

Capture of the City of Washington.

from its local situation, more accessible, as well as less capable of defence, than most other places, would be among the first objects of her attack, and that we ought, therefore, to make the requisite preparations to meet such event. With this view, I understood, General Winder was appointed to the command of the District, and orders given for concentrating, in the neighborhood of the city, such force, to consist of regulars and militia, as was deemed sufficient for its defence.

The conversation between the President and myself, on the 24th August, respecting which the committee requests information, having taken place incidentally, and under peculiar circumstances, it will not be expected that I should recapitulate it at length; and it may be difficult to communicate its substance with precision, or the causes that led to it, without going more into detail than would be acceptable to the committee, or accord with my own inclination.

When it was known, on the evening of the 23d of August, that the troops under General Winder had retired across the Eastern Branch, and encamped in the city, it occasioned, as may be readily supposed, considerable agitation in the minds of the citizens. It appeared to have been expected, that, in case our force was not considered sufficient to meet and repulse the enemy on his landing, his advance would be opposed, and his progress, at least, retarded as far as practicable, by harassing him on his march, erecting defensive works at suitable positions, and throwing such other obstructions in his way as was best calculated to check his movements; for all which operations the nature of the country through which he must pass was said to be very favorable; when, therefore, it was stated that he was near the city, without such means having been either at all, or but partially resorted to, it produced some surprise, as well as inquiry into the causes that led to such a result. Falling in conversation with the Secretary of War, on this subject, I expressed my apprehensions that suffering the enemy to approach so near (if his progress could by any possible means have been checked) as to make the fate of the city depend on a single battle, to be maintained, on our part, principally by raw, inexperienced troops, was hazardous too much. He appeared to concur in this opinion. And when I inquired whether the late movements of the troops were made pursuant to his advice, or with his approbation; and what plan of operations was determined on to oppose the further progress of the enemy; and, also, whether our army would have the benefit of his suggestions and advice, in directing its future movements; he gave me to understand that the movements which had taken place were not in pursuance of any plan or advice given by him; that General Winder, having been appointed to the command of the district, including the city, and the means assigned for its defence placed at his disposal, he was considered as having the direction of their application; and it was to be presumed he had formed such plans for defending the city as he deemed best suited to the emergency and the

means he possessed; and that interposing his opinion might be considered indelicate, and perhaps improper, unless he had the approbation of the Executive for so doing; in which case, any assistance that his suggestions or advice could render should be afforded.

It appeared to me an occasion so highly important and critical demanded the united efforts of all the military skill and ability within the reach of the Government; and that feelings of delicacy, if their cause could be removed, should not be allowed to come in collision with the public interest; and, I believe, I so expressed myself to General Armstrong.

On the following morning I set out with the Secretary of War for General Winder's headquarters, then near the bridge on the Eastern Branch. When we proceeded as far as the President's house, we learned he had gone on before. Some other company joining us, I proceeded in advance, and arrived there before the Secretary; where I found, with General Winder, the President, the Secretary of the Navy, and, I believe, the Attorney General of the United States, with some military officers. Some conversation took place in relation to the route the enemy would be most likely to pursue in approaching the city; when a messenger arrived, bringing the Commanding General information, considered by him decisive, that they would advance by Bladensburg, and he immediately proceeded with the troops to that place. At this time the Secretary of War had arrived. All the members of the Government that were present left the house. Falling in conversation with the President, I took occasion to state to him the impressions of the Secretary of War, as to the line of conduct his duty required him to observe on that occasion; and added, in substance, according to my present recollection, that the very critical situation of affairs appeared to me to require all the aid that military skill and ability could afford; that, on so important an occasion, considerations of delicacy, as to conflicting authority, should not, I presumed, be allowed to jeopardize, in any degree, the public interest; that I regretted the reserve apparently observed by the Secretary of War; but understood from him, he acted on the ground that, as General Winder was appointed to the command of the district, and the means designed for its defence placed at his disposal, he was considered as possessing the right to direct the manner of their application; and that, in interposing his opinion, without Executive approbation, might be considered indelicate, and perhaps an improper interference with the Commanding General's authority; but that, if it was known to be the President's pleasure, he would afford any aid in his power, by his presence and advice; and I believe I also stated that, considering the extraordinary and menacing aspect of our affairs, I thought it my duty to make him this communication, that, in case he should think proper, the ground on which the Secretary acted might be removed. The President replied, as I understood him, that General Armstrong might have known any proper

Subsisting of the Army.

order given by him would readily meet with the Executive sanction; and there was no doubt any suggestions from him would be duly attended to by General Winder. Upon my remarking I had reason to believe, without his approbation, the Secretary would not interpose his opinion, or take any part in the business of the day, the President observed, he would speak to him on the subject. The President, the Secretary of War, and myself, were then on horseback. The President joined the Secretary, and some conversation took place between them, the purport of which I did not hear.

The President, after parting from the Secretary, observed to me he had spoken to General Armstrong on the subject I had named to him, and that no difficulty, he presumed would occur in the case; that any suggestions, made by the Secretary, would, without doubt, receive due attention from the Commanding General, and, should any objection be made on the ground of authority, the matter might readily be adjusted, as he would not himself be far distant; and the Secretary's order, (I presume it was meant in writing,) given on the field, if necessary, would be considered as carrying with it the Executive sanction.

The foregoing is, according to the best of my recollection, the substance of what the President communicated to me after conversing with General Armstrong. It, however, occurred in the midst of much bustle, and where various other subjects presented themselves for consideration; it is therefore possible I may not have understood him correctly, or may not now recollect all that passed.

Some general conversation took place about this time respecting the probable force, movements, and objects, of the enemy; also respecting the direction to be given to certain portions of our own troops, particularly those under Commodore Barney, who had not been put in motion, and whom the Commodore appeared very desirous should be permitted, with himself, to take a share in the expected battle. Mention was also made of the precautionary measures proper to be taken, in the possible event of the enemy's success against the city, respecting the public property at the Navy Yard, &c.; also, the propriety, suggested in such case, of the members of the Government convening at some suitable place, to determine on ulterior arrangements; and Fredericktown was agreed on as best calculated for that purpose.

After parting with the President, I joined the Secretary of War, then on his way to Bladensburg; he observed the President had spoken to him respecting the operations of the day; that he would proceed to the scene of action; and, if there should be occasion, would suggest to the Commanding General whatever occurred to him as likely to be useful; and, should it become necessary, he would, on the field, give a written order that would carry with it, of course, official authority. He did not, however, state to me the particulars of the conversation that passed between the President and himself. Near the turnpike gate I parted with the Secretary; the state of

my health required that I should return to my lodging.

The foregoing contains all that occurs to me at present, in relation to the specific inquiries of the committee.

On the subject of their general inquiry, respecting the causes of the capture of the Seat of Government, it is not probable I can add anything to the information they already possess, derived from other sources. A combination of circumstances, not easily accounted for, some of which could not probably have been anticipated, and others against which it might have been difficult to provide by any precautions that could have been adopted, led, it is believed, to that event.

The sudden advance of the enemy, after his arrival on our coast, so considerable a distance into the country; destitute as he was known to be of cavalry, and, in a great degree, of artillery, as well as of the means of transporting provisions; without delaying to establish garrisons, or otherwise to provide for keeping open his communication with his shipping and supplies; was a measure that could not, it is presumed, be justified on any military principle, and may not, therefore, have been anticipated in time to provide effectually against its consequences. On the other hand, the tardy movements of the militia, called on from the neighboring States for the defence of the city, and their consequent failure to arrive in time, at the scene of action, whatever may have occasioned it, may undoubtedly be considered as the principal cause of the catastrophe that followed.

How far the troops who had arrived, and were present, might, under the guidance of different management, have succeeded in retarding the enemy, and, with the aid of the reinforcements hourly expected, in finally repulsing him, it is not for me to decide: and it is a question on which even military men may not perhaps agree.

I have the honor to be, &c.

G. W. CAMPBELL.

HON. R. M. JOHNSON, &c.

SUBSISTING THE ARMY.

[Communicated to the House, January 25, 1815.]

HOUSE OF REPRESENTATIVES,
November, 12, 1814.

SIR: I am instructed by the Committee on Military Affairs to ask information on the following points:

1. What is the present mode of subsisting the army?
2. If by contracts, what are the defects, if any, and the remedy?
3. Whether any other mode can be adopted, combining, in a greater degree, certainty and promptitude with economy and responsibility?
4. Whether the alternative offered by law, of substituting commissaries to contractors, has been

Subsisting of the Army.

adopted; and if yes, what has been the general result?

I have the honor to be, with high consideration and respect,

G. M. TROUP.

WAR DEPARTMENT, Dec. 23, 1814.

SIR: Not wishing to rely altogether on my own judgment in replying to your inquiries relating to the best mode of subsisting the troops of the United States, I have consulted the officers of greatest experience who were within my reach, on the presumption that I should best promote the views of the committee, by collecting all the light that I could on the subject. I have the honor now to submit to you a letter from General Scott, one from General Gaines, and one from Colonel Fenwick, which meet fully those inquiries in every circumstance. These officers give a decided preference to the system of supply by commissaries, in preference to that by contractors; and I have reason to believe that the officers generally concur with them in that preference. It has my unqualified assent.

Should the proposed plan be adopted, it will readily occur to the committee that the commissaries to be appointed should be placed on a very respectable footing; so high a trust should be committed to such of our citizens only as are most distinguished for their abilities, their patriotism, and integrity. I shall be happy to furnish details on this subject, should the honorable committee desire it.

I have the honor to be, with great respect, sir, your obedient servant,

JAMES MONROE.

Hon. Mr. TROUP.

General Scott's Remarks.

Observations on the mode of subsisting an Army by Contract and by Commissariat.

The first method is believed to be impolitic, and is vicious in time of war; also liable to many objections in a state of peace. In time of war, contractors may betray an army; they are not confidential and responsible agents, appointed by the Government. The principal only is known to the War Office, and therefore may be supposed to be free from this objection; but his deputies and issuing agents are appointed without the concurrence or knowledge of the General or the Government. The deputies or issuing agents are necessarily as well acquainted with the numerical strength of the army to which they are attached, as the Adjutant General himself. For a bribe they may communicate this intelligence to the enemy, or fail to make issues at some critical moment, and thus defeat the best views and hopes of the Commander-in-chief. The movements of an army are necessarily subordinate to its means of subsistence; or, as Marshal Saxe expresses it, to considerations connected with the belly. The present mode of subsisting our armies, puts the contractors above the Gen-

eral. If a contractor corresponds with the enemy, he can only be tried by the civil courts of the United States, as in the case of other persons charged with treason; (courts martial having decided that contractors do not come within the meaning of the 60th article of the rules and articles of war;) and if a contractor fails to make issues, he can only be punished by civil actions. I speak of cases arising within the limits of the United States. In the enemy's country, I suppose, a General, who knows his duty, would not fail to hang a contractor who should, by guilty neglect or corruption, bring any serious disaster upon the army. A sudden event frequently obliges a General to order troops to a distant and new station; notice is given to this contractor to supply, &c.; but the latter, finding that prompt arrangements will diminish his profits, pleads a want of reasonable notice. This term is indefinite, and if the General and contractor differ, it can only be settled by a court of common law. It is no reply to his objection to say, that, on a sudden emergency, like that supposed, the General may appoint a special agent to supply the troops, by purchases on account of the United States. This would only show the superiority of a commissariat.

The interests of the contractor are in precise opposition to those of the troops. The checks provided by the contract may be sufficient to prevent abuse, if the officers are vigilant and have leisure to resort to those checks; but when the army is on a forced march, or is maneuvering in the face of the enemy, the contractor has it in his power to practise many impositions with impunity, as in the case of an army or detachment ordered to march on short notice, to take with it subsistence for a given time. In such case, there is no time for a formal survey or minute inspection of the rations offered by the contractor, according to the mode pointed out in the contract. The contractor avails himself of the hurry of the moment, and issues provisions deficient in quantity and quality. Unless the rations, before they are received by the regimental quartermaster, are surveyed and condemned, there is no remedy except by a civil action on the case, as between citizen and citizen. Contractors, as before observed, are not amenable to courts martial. Every option given to the contractor under the contract, operates to the prejudice of the troops, and frequently embarrasses the General: as in the case of bread or flour, either of which the contractor may issue at pleasure. Eighteen ounces of flour will yield twenty-seven of bread; therefore, when the soldier finds it convenient to bake his own bread, or to commute his flour for twenty or twenty-one ounces of bread, the contractor will not choose to issue flour, because he too finds the same convenience, and reserves to himself the profit. Under other circumstances, when both the soldier and contractor find it inconvenient or impossible to bake bread, the latter avails himself of his option, and issues flour. Under this uncertainty, it is impossible for the General to calculate any march with precision. When the troops receive

Subsisting of the Army.

flour instead of bread, more time must be allowed for cooking. It is this option which prevents the General from obliging the contractor to provide magazines of hard bread for prompt movements and expeditions, in which bread wagons cannot follow the troops. Hard bread occupies, comparatively, but little space. To attain an important object, every soldier may very well carry in his haversack five or six days' bread (without meat) and thus march more than one hundred miles independent of ovens, wagons, or contractors. Our armies have sometimes been supplied with hard bread in the following manner: The contractor delivers flour, and has credit for so many rations of that article as are contained in the barrels delivered at once. The Quartermaster General causes the flour to be converted into hard bread, at the expense of the United States. The bread is then turned over to the contractor, who issues it to the troops, receiving a certain percentage for his trouble. Nothing can more clearly demonstrate the necessity of appointing commissariats to supply the army in the place of contractors. It is almost impossible for the General to compel the contractor to supply the troops regularly with soap and vinegar (component parts of the rations) because the trouble of procuring them generally exceeds the contract prices of these articles; and yet, nothing can be more essential to the cleanliness and health of troops. The contractor generally endeavors to give whiskey in the way of commutation, which costs the officers much exertion to prevent. If the contract system is continued, I would recommend diminishing the allowance for whiskey, and the reverse for vinegar, soap, and candles.

It would be endless to trace the petty villanies which contractors are daily tempted to commit, to the prejudice of the troops, arising out of this opposition of interests before noticed. The interests of the contractor put him perpetually on the alert. The vigilance of the officer is sometimes necessarily relaxed. There is no such opposition between duty and interest in the case of commissariats, who purchase and issue on account of Government. A commissary, if destitute of character, might be disposed to charge the Government more for a barrel of whiskey, or a bullock, or flour, than the article cost him; but it can never be his interest to impose unsound provisions on the troops. It is presumed that, if a commissariat be resorted to, the officers composing it will be appointed on the usual evidences of character, and subjected to martial law. It will not be necessary to give them rank, except as it respects each other, as Commissary General, Deputy and Assistant Commissary General. Such is the practice in the French and English armies.

W. SCOTT.

General Gaines's remarks on Contracts for Provisions, &c.

SIR: I regret to be under the necessity of troubling you with complaints, but my own exertions

to enforce the contract, and insure regular supplies of rations, having failed, I am compelled to resort to this mode of seeking a remedy.

The sub-contractor at Wilmington has not furnished a day's rations for near two weeks past. The sub-contractor at Billingsport, New Jersey, as well as the one at Marcus Hook, our principal encampment, have, in defiance of my frequent orders and threats, and contrary to their contract, contrived to palm upon the troops the coarsest and cheapest provisions, and such as are often damaged. To effect this criminal species of speculation, they keep in store little more, and often not as much, as is necessary to meet the returns from day to day; hence the troops are often compelled to draw damaged provisions, or draw none at all. This conduct, on the part of the sub-contractors, occasioned yesterday, at Marcus Hook, such serious disorders in some of the corps, that it became necessary to confine two young officers, and some twenty men; and I this evening received a report from Billingsport, that the troops there have been all day without provisions, the rations offered for issue in the morning being so much damaged as to require their condemnation. I have just now purchased and forwarded a supply. The New Jersey militia are very orderly.

I have uniformly given the best attention in my power, ever since the commencement of the war, to the supply of rations, and the conduct of contractors; and if I were called before Heaven to answer whether we have not lost more men by the badness of provisions than by the fire of the enemy, I should give it as my opinion that we had. And if asked what causes have tended most to retard our military operations, and repress that high spirit of enterprise for which the American soldiers are pre-eminently distinguished, and the indulgence of which would not fail to veteranize our troops by the annoyance and destruction of the enemy, I should say, the irregularity in the supply, and badness of the rations, have been the principal causes.

Original contractors seem to be a privileged order of men, who, by virtue of the profits of the contract, are elevated above the drudgery which a common-sense view of the contract would seem to impose on them. They take care to secure to themselves at least one cent per ration, leaving a second and sometimes a third order of miserable under-contractors to perform the duties, and each of these must calculate on making money. Thus the contract, after being duly entered into at Washington, is bid off, until it falls into the hands of men who are forced to bear certain loss and ultimate ruin, or commit frauds by furnishing damaged provisions. They generally choose the latter, though it should tend to destroy the Army. I know the opinion of no officer on this subject who does not think with me.

It is true, that, in most cases where purchases have been ordered by the General, on the failures of the contractor, the provisions have cost more than the ordinary contract price. But this proves nothing in favor of the contract system; but, on the contrary, proves that the contractor, when una-

The Militia.

ble to purchase below the contract price, withdraws himself from the service, and leaves the troops to suffer, or be supplied by order of the General, with little or no previous notice, so that the purchasing officer is obliged to take what can be got, at the highest prices. And these failures generally take place when near the enemy, and where regular supplies are most wanted. The purchases are ordered by the General, and made by the officers when their time is most precious, and their attention constantly called to their regular duties. Under these circumstances, it is in vain to expect purchases at very low prices. But if, instead of a contractor, a commissioned officer should be authorized to supply the rations at the original cost of the provisions, and should be allowed a little time to look out for the best markets, and be enabled by punctual payments to support the public credit, I have no doubt that the supplies would not only be good and regular, but even lower than they can be under any contract system. Commissioned officers only should be employed in this duty—men who stand most solemnly pledged to serve the United States honestly and faithfully, and to obey orders—men who may be cashiered or capitally punished by military law, for neglect of duty, or for fraudulent practices.

I feel persuaded that I could, with the assistance of one of the general staff, and the regimental quartermasters, supply the troops altogether and completely, without being more frequently called from my other duties than the neglects in the contractor's department have usually called me. If you should deem an experiment desirable, I will most cheerfully undertake it, and pledge myself that the rations shall not cost more than eighteen cents, and probably not so much.

I have the honor to be, most respectfully, sir, your obedient servant,

E. P. GAINES.

HON. JAMES MONROE, *Sec'y of War.*

Colonel Fenwick's remarks on supplying the Army with provisions.

WASHINGTON, Dec. 23, 1814.

In conformity with your commands, I have the honor of reporting to you the present means of victualling our Army by contract, the impositions and danger attending such a mode of supply, and the necessity of destroying the evil by substituting a commissariat.

Contracts are never fulfilled to the letter, and never will be so long as avarice exists. And, where so many opportunities present themselves to the military contractor for imposition and fraud, we must expect he will avail himself of them. That his fortune may be made with too great rapidity for the comfort and health of the soldier, every expedient is resorted to to increase his profits. Bread half baked, sour flour, damaged meat, are amongst the many resources they employ. More than half the issues are made without the smaller parts of the rations. Vinegar, soap, and candles, are retained under the most frivolous excuses;

and you are, sir, sensible how conducive to the soldier's health must be both soap and vinegar. These evils I have witnessed in every part of the country. Seldom could the wrong be redressed, because the commanding officer had not the means; the abuse could not be punished; the contractor was beyond his control. Discontent was excited amongst the men, but complaint is often found unprofitable; for, if the provisions are condemned, the agent is so dilatory in replacing them, that the men get no food for the greater part if not the whole of that day.* These are the causes of complaint with the Army, and the best-planned operations may be frustrated by the perverse or tardy contractor, or his dishonest agent, who, if base enough to defraud the soldier, would be equally so in communicating with the enemy. The history of all the wars in Europe is big with treachery, whenever a Power depended for its supplies on contractors. Numerous are the instances of failures of expeditions in the wars of Marlborough and Frederick. Contractors or their agents were the principals in the mischief. In our own campaigns† we have already experienced this evil. Many other reasons might be adduced, how and why supplies will fail, if this system of contract is continued. It does not exist in any army in Europe. It has proven itself fallacious and expensive in a high degree. Even the British, riveted as they are to old habits, have been compelled to abandon it, and assume the commissariat of the Continent. Lord Wellington speaks of the impossibility of supplying his army in Spain by any other means. There is not an officer or soldier in the Army who would not petition you to do away this destructive system, and substitute commissaries, who would be actuated by feeling, honor, and the fear of disgrace.

I have the honor to be, sir, with very great respect and consideration, your obedient servant,

JOHN R. FENWICK.

RELATIVE POWERS OF THE GENERAL AND STATE GOVERNMENTS OVER THE MILITIA.

[Communicated to the Senate, February 28, 1815.]

Mr. GILES made the following report:

The Committee of the Senate on Military Affairs, understanding that serious differences of opinion existed between the Executive authority of the United States and the authorities of some of the individual States, respecting the relative powers of the General and State Governments over the militia, deemed it an incumbent duty on them to call for information upon that highly interesting subject, with a view of interposing, if found practicable, some legislative provisions for the mutual accommodation of such differences. For this purpose, on the 7th January last, in virtue of instructions from the committee, a letter

* Occurred at New York.

† At Black Creek, Upper Canada.

The Militia.

was addressed to the honorable Secretary for the Department of War, a copy of which accompanies this report; and, in reply thereto, the committee received from him the letter and documents which also accompany this report.

Although the return of peace has, for the present, relieved the committee from the necessity of providing a legislative remedy for these unfortunate differences, yet the committee conceive that the points in question are of vital importance to the essential rights and powers of the Government of the United States, and that the pretensions of the authorities of the States of Massachusetts, Connecticut, and Rhode Island, set up in opposition thereto, if now acquiesced in, might be resumed by the State authorities in the event of a future war, and thus deprive the Government of the United States of some of its most efficient legitimate means of prosecuting such war with vigor and effect; the committee have therefore thought proper to present the papers concerning this subject to the Senate, for consideration.

Whilst the committee will refrain from entering into arguments to fortify the grounds taken by the Executive Government on this subject, and explained in the letter of the Secretary for the Department of War, they feel themselves impelled by a sense of justice to express a decided approbation of its conduct, in supporting and preserving the Constitution of the United States against the effects of the pretensions of the State authorities aforesaid, which, after full consideration, the committee believe not warranted by the Constitution, nor deducible from any fair and just interpretation of its principles and objects. The direct and inevitable tendencies of those pretensions, in the opinion of the committee, would be, to deprive the Government of the United States of powers essentially necessary to insure the common defence, one of the great objects committed to its charge; to introduce discordant and contradictory counsels into the national deliberations, upon a point, too, of all others, most requiring union of thought and of action; to change the fundamental character of the Constitution itself, and thus eventually to produce its destruction, by debilitating the Government, and rendering it incompetent to the great objects of its institution; and to substitute in its stead the dismemberment of these United States, with all the horrible consequences respectively resulting from disunion.

COMMITTEE CHAMBER, Jan. 7, 1815.

SIR: The Committee of the Senate on Military Affairs having observed that differences exist between the authorities of the United States and of some of the individual States, respecting the relative command of the officers of the regular army and of the militia, when called to act together in certain cases, has instructed me to ask for such information upon that subject as may be in possession of your Department; and to inquire whether, in your judgment, some legislative provisions might not be adopted, which would tend to heal

such differences, to prevent the recurrence of others from the same cause, and to facilitate the operations of your Department in that respect?

Be pleased, sir, to accept assurances of my high consideration, &c.

WM. B. GILES,
Chairman.

Hon. JAS. MONROE,
Secretary of War.

DEPARTMENT OF WAR, Feb. 11, 1815.

SIR: I have had the honor to receive your letter of the 7th ultimo, stating that the Military Committee of the Senate had observed that difficulties had arisen between the authorities of the United States and some of the individual States, respecting the relative command of the officers of the regular army and of the militia, when called to act together, and were desirous of such information on the subject as this Department might possess, and of its opinion whether some legislative provisions might not be adopted which would tend to heal such differences, to prevent the recurrence of the like for the same causes, and to facilitate the operations of the Department in other respects.

My late indisposition will, I trust, explain satisfactorily to the committee the cause of the delay of my answer, which I have much regretted.

In complying with the request of the committee, it has appeared to me advisable to communicate all the documents in this Department relating to the objects of its inquiry. By a detailed view of the several measures which have been adopted by the President, since the war, for the defence of the country, in discharge of the duties imposed on him by the Constitution and laws of the United States; of the objections to those measures by the Executives of some of the States; and of the correspondence between this Department and the military authorities acting under it, with the Executives of such States, the committee will see the grounds of the differences which have attracted attention, and be enabled to judge how far any legislative interposition may be useful or proper.

The paper A contains a copy of the letters of the Secretary of War to the Governors of the several States, detailing their respective quotas of militia, under the acts of Congress.

B is a copy of a report of the Secretary of War to the Military Committees of the Senate and House of Representatives, bearing date on the 21st day of December, 1812, communicating a division of the United States into military districts, then contemplated by the Department of War, with the reasons for it; which division, with certain modifications, was afterwards adopted. This report treats on some subjects not immediately within the scope of the call of the committee, yet, treating in all its parts on the important subject of defence, and thereby intimately connected with the object of the call, I have thought that a view of the whole paper, at this time, would not be unacceptable.

The Militia.

C is a copy of the answers of the Governors of several of the States to the Department of War, on the requisitions made for parts of their quotas of militia under the several acts of Congress, and of the correspondence which passed between them and the Department of War, and commanders of the military districts, acting under it, within which those States were.

D is a copy of the correspondence between the Governor of New Jersey and the Department of War, relating to the appointment of the Governor of New York to the command of the military district No. 3; a copy of this correspondence is presented, to communicate to the committee every circumstance that has occurred relating to the command of the militia in the service of the United States.

It appears by these documents, that the Governors of Massachusetts, Connecticut, and Rhode Island, have objected to the requisitions made on their several States, for parts of their respective quotas of militia, on the following grounds: 1st. That the President has no power to make a requisition for any portion of the militia, for either of the purposes specified by the Constitution, unless the Executive of the State, on whose militia such call is made, admits that the case alleged exists, and approves the call. 2d. That, when the militia of a State should be called into the service of the United States, no officer of the regular army had a right to command them, or other person, not an officer of the militia, except the President of the United States in person. These being the only difficulties which have arisen between the Executive of the United States and the Executives of any of the individual States, relative to the command of the militia, known to this Department, are, it is presumed, those respecting which the committee has asked information.

By these documents it is also shown, that certain portions of the militia were called out by the Executives of these States, and a part of them put into the service of the United States. These doctrines were nevertheless adhered to. I do not go into a detail on these points, deeming it unnecessary, as all the facts will be found in the documents.

Respecting, as I do, and always have done, the rights of the individual States, and believing that the preservation of those rights, in their full extent, according to a just construction of the principles of our Constitution, is necessary to the existence of our Union, and of free government in these States, I take a deep interest in every question which involves such high considerations. I have no hesitation, however, in declaring it as my opinion, that the construction given to the Constitution, by the Executives of these States, is repugnant to its principles, and of dangerous tendency.

By the Constitution, Congress has power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in

the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

The President is likewise made Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

The power which is thus given to Congress by the people of the United States, to provide for calling forth the militia, for the purposes specified in the Constitution, is unconditional. It is a complete power, vested in the National Government, extending to all these purposes. If it was dependent on the assent of the Executives of the individual States, it might be entirely frustrated. The character of the Government would undergo an entire and radical change. The State Executives might deny that the case had occurred which justified the call, and withhold the militia from the service of the General Government.

It was obviously the intention of the framers of the Constitution, that these powers, vested in the General Government, should be independent of the States' authorities, and adequate to the ends proposed. Terms more comprehensive than those which have been used cannot well be conceived. Congress shall have power to provide for calling forth the militia to execute the laws of the Union. What laws? All laws which may be constitutionally made. Whatever laws are adopted for that purpose, within the just scope of that power, which do not violate the restraints provided in favor of the great fundamental principles of liberty, are Constitutional, and ought to be obeyed. They have a right to provide for calling forth the militia to suppress insurrections. This right is also unqualified. It extends to every case of insurrection against the legitimate authority of the United States. It may be said that the Government may abuse its authority, and force the people into insurrection, in defence of their rights. I do not think that this is a probable danger under our system; or that it is the mode of redress, even if such abuse should be practised, which a free people, jealous of their rights, ought to resort to. The right which they have to change their representatives, in the Legislative and Executive branches of the Government, at short intervals, and, thereby, the whole system of measures, if they should think proper, is an ample security against the abuse, and a remedy for it, if it should ever occur. Congress have also a right to provide for calling forth the militia to repel invasions. This right, by fair construction, is, in my judgment, an exemplification of the power over the militia, to enable the Government to prosecute the war with effect, and not the limitation of it, by strict construction, to the special case of a descent of the enemy on any particular part of our territory. War exists; the enemy is powerful; his preparations are extensive; we may expect his attacks in many quarters. Shall we remain inactive spectators of the dangers which surround

The Militia.

us, without making the arrangements suggested by an ordinary instinctive foresight, for our defence? A regular army, in sufficient extent, may not exist. The militia is the principal resource. Is it possible that a free people would thus intentionally trammel a Government which they had created for the purpose of sustaining them in their just rank, and in the enjoyment of all their rights, as a nation, against the encroachments of other Powers, more especially after they had experienced that reliance could not be placed on the States individually, and that, without a General Government, thus endowed, their best interests would be sacrificed, and even their independence insecure? A necessary consequence of so complete and absolute a restraint on the power of the General Government over the militia, would be to force the United States to resort to standing armies for all national purposes. A policy so fraught with mischief, and so absurd, ought not to be imputed to a free people in this enlightened age. It ought not, more especially, to be imputed to the good people of these States. Such a construction of the Constitution is, in my opinion, repugnant to their highest interests, to the unequivocal intention of its framers, and to the just and obvious import of the instrument itself.

The construction given to the Constitution, by the Executive is sanctioned by legislative authority, by the practice of the Government, and by the assent and acquiescence of all the States, since the adoption of the Constitution, to the period of the late unhappy differences, respecting which the committee has desired to be informed. By the law of 1795, the President is authorized to call forth the militia, for the purposes mentioned in the Constitution, by a direct application to the militia officers, without any communication with, or reference to, the Executives of the individual States, and penalties are prescribed for carrying the law into effect, should resort to them be necessary. It merits attention, in regard to the question under consideration, that the power given to the President to call forth the militia, not made dependent, by this law, on the fact of an invasion having actually occurred, but takes effect in case of imminent danger of it. In the year 1795, the President of the United States, on the certificate of a Judge of the Supreme Court, that an insurrection existed in the western parts of Pennsylvania, called out the militia of the several States including the militia of Pennsylvania, to suppress it; which call was obeyed. In this instance, the assent of the Governor of Pennsylvania to the existence of an insurrection was not asked. General Washington, who then held the office of Chief Magistrate, relied exclusively on the powers of the General Government for the purpose. The opinion of the same Chief Magistrate, of the power of the General Government over the militia, was also made known by another distinguished act of his Administration. By a report of General Knox, the then Secretary of War, to Congress, this doctrine is maintained to the utmost extent, and exemplifications of it insisted on, which

prove that, from the nature of our population, the militia was the force which, in his judgment, ought principally to be relied on for all national purposes.

In the instances under consideration, powers are granted to Congress for specified purposes, in distinct terms. A right to carry powers, thus granted, into effect, follows of course. The Government to whom they are granted must judge of the means necessary for the purpose, subject to the checks provided by the system. It adopts a measure authorized, supervises its execution, and sees the impediments to it. It has a right to amend the law to carry the power into effect. If any doubt existed on this point, in any case, on general principles, and I see cause for none, it cannot in the present—a power having been explicitly granted to Congress, by the Constitution, to pass all necessary and proper laws for carrying into execution the powers which are vested in the General Government.

Equally unfounded, in my opinion, is the other objection of the Executives of the States above-mentioned, that when the militia of a State are called into the service of the United States, no officer of the regular army, or other person, not a militia officer, except the President of the United States, in person, has a right to command them.

When the militia are called into the service of the United States, all State authority over them ceases. They constitute a part of the national force, for the time, as essentially as do the troops of the regular army. Like the regular troops, they are paid by the nation. Like them, their operations are directed by the same Government. The circumstance, that the officers of the militia are appointed by, and trained under, the authority of the State, individually, (which must, however, be done according to the discipline prescribed by Congress,) produces no effect on the great character of our political institutions, or on the character and duties of the militia, when called into the service of the United States.

That the President, alone, has a right to command the militia in person when called into the service of the United States, and that no officer of the regular army can take the command in his absence, is a construction for which I can see nothing in the Constitution to afford the slightest pretext. Is it inferred from the circumstance, that he is appointed Commander-in-Chief of the militia when called into the service of the United States? The same clause appoints him Commander-in-Chief of the land and naval forces of the United States. In construction of law he is Commander-in-Chief, though not present. His presence is not contemplated in either case. Equally necessary is it in the one as in the other. What has been the practice under the Constitution, commencing with the first Chief Magistrate, and pursuing it under his successors, to the present time? Has any President ever commanded, in person, either the land and naval forces, or the militia? Is it not known that the power to do it is vested in him, principally, for the purpose of giving him the control over the military and naval opera-

The Militia.

tions, being a necessary attribute of the executive branch of the Government? That, although he might take the command of all the forces under it, no President has ever done it? That a provision for the actual command is an object of legislative regulation, and the selection of the person to whom committed of executive discretion.

Under the commander, all officers of every species of service and corps, regular and militia, acting together, take rank with common consent, and perfect harmony, according to an article of war, sanctioned by the Constitution. By this article, the officers of the regular army take rank of those of the militia of the same grade, without regard to the dates of their commissions, and officers of any and every grade of the militia take rank of all officers of inferior grade of the regular army. When these troops serve together they constitute but one national force. They are governed by the same articles of war. The details for detachment, guard, or any other service, are made from them equally. They are, in truth, blended together, as much as are the troops of the regular army when acting by themselves only.

The idea advanced by the honorable Judges of Massachusetts, that, where the regular troops and militia act together, and are commanded in person by the President, who withdraws, there can be no chief commander, of right, of either species of force, over the whole, but that the regulars and militia, as implied, may even be considered as allied forces, is a consequence of the construction for which they contend. It pushes the doctrine of State rights further than I have ever known it to be carried in any other instance. It is only in the case of Powers who are completely independent of each other, and who maintain armies, and prosecute war, against a common enemy, for objects equally distinct and independent, that this doctrine can apply. It does not apply to the case of one independent Power who takes into its service the troops of another: for then the command is always at the disposal of the Power making war, and employing such troops, whether regular or militia. How much less does it apply to the case under consideration, where there is but one Power, and one Government, and the troops, whether regular or militia, though distinguished by shades of character, constitute but one people, and are, in fact, countrymen, friends, and brethren.

The President is in himself no bond of union in that respect. He holds his station as Commander-in-Chief of the land and naval forces, and militia, under a Constitution which binds us together as one people, for that and many other important purposes. His absence would not dissolve the bond. It would not revive discordant latent claims, or become a signal for disorganization.

The judicious selection of the chief commander, for any expedition or important station, is an object of high interest to the nation. Success often depends on it. The right to do this appears to me to have been explicitly vested in the Presi-

dent, by the authority given to Congress to provide for calling forth the militia, for organizing, arming, disciplining, and governing them, when employed in the service of the United States, and by the powers vested in him as Chief Executive of the United States. The rights of that highly respectable and virtuous body of our fellow-citizens, are, I am persuaded, completely secured, when the militia officers commanding corps are retained in their command—a Major General over his division, a Brigadier over his brigade, a Colonel over his regiment, and the inferior officers in their respective stations. These rights are not injured or affected by the exercise of the right of the Chief Magistrate; a right incident to the Executive power, equally applicable to every species of force, and of high importance to the public, to appoint a commander over them, of the regular army, when employed in the service of the United States, if he should deem it expedient. The rights of the militia officers and those of the General Government are strictly compatible with each other. There is no collision between them. To displace militia officers for the employment of regulars, or to multiply commands of a separate character, especially of small bodies, for that purpose, would be improper.

In dividing the United States into military districts, and placing a General of the regular Army in command in each, with such a portion of the regular force, artillery, and infantry, as could be spared from other service, it was the object of the President to afford the best protection to every part of the Union that circumstances would admit of, with the least burden which might be possible to the people. These commanders were specially charged with the defence of their respective districts. It was enjoined on them to watch the movements of the enemy, to communicate them to the Government, and to execute its orders in summoning to the field, on menace of invasion, such portions of the quotas of the militia of each State, within their respective districts, as had been provided for by act of Congress, and detailed by this Department, as were thought necessary.

When this arrangement was entered into, it will be observed that there was no menace of immediate invasion, and but few militia in the field. It was intended as a measure of precaution, to guard against possible, but, as was hoped and presumed, distant dangers. The Executive had then no alternative between that arrangement and any other. The militia officers of rank afforded none. They were at home; for the Executive has no power, under existing laws, to call them into the field, without a command of men suited to their rank; and, even when thus called forth, their term of service must expire with that of the men whom they command. These facts show, that nothing was more remote from the intentions of the Government than to disregard the just claims of our fellow-citizens of the militia. They show, also, how difficult it is to provide, by any arrangement which can be adopted, for a general and

The Militia.

permanent defence of our principal cities and seaboard, without employing officers who are always in service, in the principal commands at least, for the purpose.

It is admitted that, by the increased pressure of the war, in consequence of which much larger bodies of militia have been called into service, and with them many General officers of experience and merit, these difficulties have proportionably diminished. Of these officers several have been already advanced to distinguished commands, with great satisfaction to their fellow-citizens, and advantage to their country. The committee may be assured that opportunities of this kind, regarding the obligation of a just responsibility, will be seized by the Executive with pleasure.

How far these differences may be healed, or the recurrence of the like in future be prevented, by legislative provisions, the committee, on a full view of these documents, and on a due consideration of the whole subject, will be able to decide. It is proper, however, to remark, that the divisions of the country into military districts, so far as relates to that special object, requires no legislative sanction, if, indeed it admits of one. The definition of boundary was intended for the purpose of prescribing a limit to the civil duties, if they may be so called, rather than the military, of the commander of each district; rather to the period preceding an invasion, with a view to the necessary preparatory measures for repelling it, than after it should take place. An invasion by a large force would probably require the concentration of all our troops along the seacoast, who might be brought to act in it. In such an event, all limitations of boundary to the several commanders would cease. The march of the enemy would regulate that of our armies, who would from every quarter be directed against them.

I have the honor to be, with great respect, your most obedient and very humble servant.

JAMES MONROE.

A.

Copy of a letter from William Eustis, Secretary of War, to the Governors of States, dated

WAR DEPARTMENT, April 15, 1812.

I am instructed by the President of the United States to call upon the Executives of the several States to take effectual measures to organize, arm, and equip, according to law, and hold in readiness, to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, by virtue of an act of Congress passed the 10th instant, entitled "An act to authorize a detachment from the militia of the United States."

This, therefore, is to require your Excellency to take effectual measures for having — of the militia of — (being her quota) detached and duly organized in companies, battalions, regiments, brigades, and divisions, within the shortest periods that circumstances will permit, and as nearly as possible in the following proportions

of artillery, cavalry, and infantry, viz: one-twentieth part of artillery, one-twentieth part of cavalry, and the residue infantry.

There will, however, be no objection, on the part of the President of the United States, to the admission of a proportion of riflemen, duly organized in distinct corps, and not exceeding one-tenth part of the whole quota of the States, respectively. Each corps should be properly armed and equipped for actual service.

When the detachment and organization shall have been effected, the respective corps will be exercised under the officers set over them; but will not remain embodied, or be considered as in actual service, until, by subsequent orders, they shall be directed to take the field.

Your Excellency will please to direct that correct muster-rolls and inspection returns be made of the several corps, and that copies thereof be transmitted to this Department as early as possible.

Copy of a letter from William Eustis, Esq., Secretary of War, to the Governor of Massachusetts, dated

WAR DEPARTMENT, June 12, 1812.

SIR: I am directed by the President to request your Excellency to order into the service of the United States, on the requisition of Major General Dearborn, such part of the quota of the militia of Massachusetts, detached conformably to the act of the 10th April, 1812, as he may deem necessary for the defence of the seacoast.

I am, &c.

NOTE.—A similar letter, addressed to the Governors of Connecticut, Rhode Island, and New Hampshire.

Copy of a letter from William Eustis, Secretary of War, to his Excellency Caleb Strong, Governor of Massachusetts, dated

JULY 21, 1812.

SIR: By information received from Major General Dearborn, it appears that the detachment from the militia of Massachusetts, for the defence of the maritime frontier, required by him under the authority of the President, by virtue of the act of the 10th April, 1812, have not been marched to the several stations assigned them.

Inasmuch as long delay may be followed with distress to a certain portion of our fellow-citizens, and with injurious consequences to our country, I am commanded by the President to inform your Excellency that this arrangement of the militia was preparatory to the march of the regular troops to the northern frontier. The exigencies of the service have required, and orders have accordingly been given to Major General Dearborn to move the regular troops to that frontier, leaving a sufficient number to man the guns in the garrisons on the seaboard. The execution of this order increases, as your Excellency cannot fail to observe, the necessity of hastening the detached militia to their several posts, as assigned by General Dearborn; in which case they will, of course, be considered in the actual service and pay of the United States.

The danger of invasion, which existed at the

The Militia.

time of issuing the order of the President, increases, and I am specially directed by the President to urge this consideration on your Excellency, as requiring the necessary order to be given for the immediate march of the several detachments, specified by General Dearborn, to their respective posts.

I have the honor to be, &c.

Extract of a letter from John Armstrong, Secretary of War, to the Governor of Connecticut, dated

AUGUST 9, 1813.

Whenever militia are called out, the contractor or his agent should be required to supply according to the contract.

Circular letter from John Armstrong, Secretary of War, to the Governors of the respective States, dated

JULY 4, 1814.

SIR: The late pacification in Europe offers to the enemy a large disposable force, both naval and military, and with it the means of giving to the war here a character of new and increased activity and extent.

Without knowing, with certainty, that such will be its application, and still less that any particular point or points will become objects of attack, the President has deemed it advisable, as a measure of precaution, to strengthen ourselves on the line of the Atlantic, and (as the principal means of doing this will be found in the militia) to invite the Executives of certain States to organize and hold in readiness, for immediate service, a corps of ninety-three thousand five hundred men, under the laws of the 28th of February, 1795, and 18th of April, 1814.

The enclosed detail will show your Excellency what, under this requisition, will be the quota of —. As far as volunteer uniform companies can be found, they will be preferred.

The expediency of regarding (as well in the designations of the militia as of their places of rendezvous) the points, the importance or exposure of which will be most likely to attract the views of the enemy, need but be suggested.

A report of the organization of your quota, when completed, and of its place or places of rendezvous, will be acceptable.

I have the honor to be, &c.

Extract of a letter from John Armstrong, Secretary of War, to Nathaniel Searle, Jun., Adjutant General of Militia, State of Rhode Island, dated

JULY 9, 1814.

I have the honor to acknowledge the receipt of your letter of the 8th instant, accompanied by sundry documents in relation to the defence of the Atlantic frontier of the State of Rhode Island.

The State troops, if considered part of the militia, or as substitutes therefor, will be taken into the service of the United States as the quota of Rhode Island, under the requisition of the 4th instant, and will be designated for the defence of that State.

B.

Copy of a letter from James Monroe, Acting Secretary of War, to the Chairman of the Military Committee, dated

DEPARTMENT OF WAR,
December 23, 1812.

I have had the honor to receive your letter of the 21st instant, requesting such information as this Department may possess respecting the defects in the organization of the General Staff of the Army, and in the laws relating to volunteers; and requesting, also, the opinion of this Department as to the propriety of augmenting the present military force, and, in case of augmentation, of what description of troops it ought to consist.

The committee of each House of Congress having called on the Department of War for information on the same points, I shall have the honor to make to each committee the same report. The enclosed remarks go to several of the inquiries suggested in your letter, and contain the views of the Department on the several subjects to which they relate. The pressure of business has forced me to give them a shape rather informal. A copy of them I have sent to-day to the committee of the House of Representatives, and hasten to forward a like copy to you.

EXPLANATORY OBSERVATIONS.

To make this war effectual, as to its just objects, so much of the physical force of the country must be brought into activity as will be adequate. The force exists in an abundant degree, and it is only necessary to call it forth and make a proper use of it. This force must be employed alike in defensive and offensive operations. The exposed parts of our own country claim a primary attention. After providing for their defence, all the remaining force may be employed in offensive operations. I will begin with that part which requires protection.

Defence of the Coast.

The whole coast, from our northern limits to St. Mary's, should be divided into military districts.

Boston, including New Hampshire and Massachusetts, to constitute one.

Newport, including Rhode Island and Connecticut, another.

New York, including the State of New York and Jersey, a third.

Philadelphia, including Pennsylvania and Delaware, a fourth.

Norfolk, including Maryland and Virginia, a fifth.

Charleston, including North and South Carolina and Georgia, a sixth.

At Boston, and at each of the other posts, let a company of artillery, or more than one, according to circumstances, of the regular army, and a small portion of its infantry, be stationed. Let them be placed under the command of a Brigadier, in the following manner, and let him have attached to him an engineer. This force will form the nucleus of a little army, to be formed in case of

The Militia.

invasion, of the militia, volunteers, or such other local force, as may be specially organized for the purpose.

This apportionment is intended to give an idea. It would be carried into detail by the Executive.

At Boston, including a suitable proportion of artillery, and at Eastport, and other ports eastward - - - - - 600

At Newport, with a company of artillery - - - - - 350

At New York, with a suitable proportion of artillery - - - - - 1,000

At Philadelphia, with a company of artillery - - - - - 200

Norfolk, with a company of artillery at Annapolis - - - - - 300

North Carolina, one company of artillery 100

Charleston, with a company of artillery - 300

By placing a General officer of the regular army, with some experience, in command, at each of these stations, charged with the protection of the country, to his right and left, to a certain extent, suitable provision will be made for the whole. The country will have confidence, and, by degrees, a system of defence suited to any emergency, may be prepared for the whole coast. This may be done by the local force with economy, and, what is also of great importance, without drawing at any time for greater aid on the regular force of the nation, which may be employed in offensive operations elsewhere. There should be some flying artillery at each station, ready mounted, and prepared to move in any direction which may be necessary. An engineer will be useful, to plan and execute any works which may appear proper for the defence of the principal station, or any other within each military district.

It may be said, that it is not probable that the enemy will attempt an invasion of any part of the coast described, with a view to retain it, and less so for the purpose of desolation. It is nevertheless possible, and, being so, provision ought to be made against the danger. An unprotected coast may invite attacks which would not otherwise be thought of. It is believed that the arrangement proposed will be adequate, and that none can be devised, to be so, which would prove more economical.

For Savannah and East Florida, special provision must be made. Whether East Florida is left in possession of Spain, or taken immediate possession of by the United States, in either case, it menaces the United States with danger to their vital interests. While it is held by Spain, it will be used as a British province, for annoying us in every mode in which it may be made instrumental to that end. The ascendancy which the British Government has over the Spanish regency, secures to Great Britain that advantage while the war lasts. We find that, at present, the Creek Indians are excited against us, and an asylum afforded to the slaves of the Southern States who seek it there. To guard the United States against the attempts of the British Government, in that vulnerable quarter, the province remaining in the hands of the Spanish authorities, a force

of about two thousand regular troops will be requisite. It will require no more to hold it, should possession be taken by the United States.

For New Orleans and Natchitoches, including the Mobile and West Florida, about two thousand five hundred men will be necessary. A local force may be organized in that quarter in aid of it, which, it is believed, will be adequate to any emergency.

The next object is Detroit and Malden, including the protection of the whole of our Western frontier. For these, it is believed that two thousand regular troops, with such aids as may be drawn from the States of Kentucky and Ohio, will be amply sufficient.

The following, then, is the regular force requisite for the defence of those places:

Boston	-	-	-	-	600
Newport, Rhode Island	-	-	-	-	350
New York	-	-	-	-	1,000
Philadelphia	-	-	-	-	200
Norfolk	-	-	-	-	300
North Carolina	-	-	-	-	100
Charleston	-	-	-	-	300
Savannah and East Florida	-	-	-	-	2,000
New Orleans, Mobile, &c.	-	-	-	-	2,500
Detroit, Malden, &c.	-	-	-	-	2,000
					<u>9,350</u>

This leaves a force of about twenty-six thousand regular troops, consisting of infantry, artillery, and cavalry, provided the whole force contemplated by law is raised and kept in the field, to be employed in offensive operations against Niagara, Kingston, Montreal, and all Lower Canada, and likewise against Halifax. This whole force, however, even if raised, cannot be counted on as effective. The difference between the force on the muster rolls, and the effective force in the field, through a campaign, is generally estimated at a deficiency in the latter of one-fourth, with troops who have already seen service. With young troops, it may be placed at one third. Take from the nominal force ten thousand, and it would leave about sixteen thousand for these latter purposes.

Will this force be sufficient? This will depend of course on the number of the British force which may be opposed to us. It is believed that the British force at Niagara, and its neighborhood, at Kingston, Montreal, Quebec, and in all Lower Canada, ought to be estimated at twelve thousand regulars, and several thousand militia; say, in all, sixteen or eighteen thousand, and at Halifax, at three thousand.

To demolish the British force, from Niagara to Quebec, would require, to make the thing secure, an efficient regular army of twenty thousand men, with an army of reserve of ten thousand. The commander ought to have power to dispose of them as he thought fit. The movement against Niagara and Lower Canada ought to be in concert, and of course under the control of the same commander, who, alone could be a competent

The Militia.

judge of the suitable time and manner. A corps of reserve is indispensable to guard against casualties, especially with raw troops. Nothing should be left to hazard. The expedition should be of a character to inspire a certainty of success, from which the best consequences would result. Our troops would be more undaunted, and those of the enemy proportionably more dismayed. In the interior, on both sides, the effect would be equally salutary; with us it would aid in filling our ranks with regular troops, and drawing to the field such others as occasion might require; with the enemy, the effect would be equally in our favor. It would soon drive from the field the Canadian militia, and, by depressing the spirits of the people, interrupt and lessen the supplies to the British army.

If the conquest of Canada should prove to be easy, a part of this force might be directed against Halifax; but for that purpose a force should be specially provided, to consist of not less than six thousand men. Before this time next year, the honor and interest of the United States require that the British forces be driven into Quebec and Halifax, and be taken there, if possible. They must, at all events, be excluded from every foot of territory beyond the reach of their cannon. This may be done, if timely and suitable measures are adopted for the purpose, and they be executed with vigor and skill.

If the Government could raise and keep in the field thirty-five thousand regular troops, the legal complement of the present establishment, the deficiency to be supplied, even to authorize an expedition against Halifax, would be inconsiderable. Ten thousand men would be amply sufficient; but there is danger of not being able to raise that force, and to keep it at that standard. The estimate, therefore, of the force to be raised for the next campaign, in addition to the legal complement, should cover any probable deficiency in it, as well as the addition which ought to be made to it. My idea is, that provision ought to be made for raising twenty thousand men in addition to the present establishment. How shall these men be raised? Shall new regiments be added to the standing army to constitute a part of it; the volunteer acts be relied on; or any other expedient adopted?

The first question to be answered is, can more than the force contemplated by the present Military Establishment be raised in time for the next campaign, and that force be kept in the field by new recruits to supply losses produced by the casualties of war? Will the state of our population, the character and circumstances of the people who compose it, justify a reliance on such a resource alone?

The experiments heretofore made, even under the additional encouragement given by the acts passed at the last session of Congress, and the excitement produced by the war, though great, forbid it. Abundant and noble proofs of patriotism have been exhibited by our citizens in those quarters where the approach and pressure of the enemy have been most felt. Many thousands

have rallied to the standard of their country; but it has been to render voluntary service, and that for short terms. The increase of the regular army has been slow, and the amount raised, compared with the number sought, inconsiderable. Additional encouragement may produce a more important result; but still there is cause to fear that it will not be in the degree called for by the present emergency. If, then, there is cause to doubt success, that doubt is a sufficient motive for the Legislature to act on, and to appeal, in aid of the existing resource, to another, not likely to fail.

In rejecting a reliance on the regular Military Establishment alone, for the force necessary to give effect to the next campaign, the alternative is too obvious to be mistaken by any one. The occurrences of the present year designate it in the most satisfactory manner. The additional force must be raised for a short term, under every encouragement to the patriotism of the people which can be given consistently with the circumstances of the country, and without interfering with enlistments into the old corps. The volunteer acts of the last session may be the basis on which this force may be raised; but those acts must be radically altered to enable the President to raise the force. Experience has not been less instructive on this very important point. Although whole sections of our country, and among them many of our most distinguished and estimable citizens, have risen in arms and volunteered their services, and marched in the ranks, it has not been done under the volunteer acts. Those acts contemplate a beginning at the wrong end, and require too long an engagement to produce the desired effect. They contemplate a movement in no particular quarter, and by no particular person; they require that the people shall take the affair up of their own accord, enrol themselves into companies, and then recommend their officers to the President; and that the President shall not appoint the field officers until a sufficient number of companies are formed to constitute a regiment. Thus it may happen that companies from different States, all strangers to each other, may be thrown into a regiment, and that the field officers appointed to command them may be strangers alike to all the company, officers and men. They contemplate, also, an enrolment for three years, with a service only of one; conditions which, in themselves, could not fail to defeat the object, as they enlist on their side not one motive to action. The patriot citizen, who really wished to serve his country, would spurn the restraint imposed on him of two years of inactivity out of three, and enter the regular army, where he would find active employment for the whole term of his enlistment. And the farmer, the merchant, and the artist, willing to make a sacrifice of a certain portion of their time to the urgent calls of their country, would find a check to that impulse by the obligation they must enter into for so long a term; and by allowing no bounty, no pecuniary inducement nor aid to enable a man to leave home is offered. It is impossible that

The Militia.

such a project should succeed on an extensive scale. The ardent patriotism of a few, in detached circles of our country, may surmount these obstacles; but such examples will be rare.

To give effect to such a measure, the President alone should have the appointment of all the officers under the rank of Colonel, and it should be made in the following manner: He should first select such prominent men as had merited, and acquired, by a virtuous conduct, the confidence of their fellow-citizens, and confer on them, with the advice and consent of the Senate, the rank of Colonel, and then confide to them the selection and recommendation of all their officers, to be approved by the President. These men would go to their homes, look around the country where they were known, and where they know every one, select the prominent men there, such as enjoyed the esteem and confidence of their fellow-citizens, and recommend them, according to their respective pretensions, as field officers, captains, and subalterns under them. Thus the service would be truly voluntary, as every man would act under officers to whose appointment he had essentially contributed. The several corps would consist of neighbors, friends, and brothers; example would animate to action; generous motives would be excited; patriotism roused; and the ties of kindred would unite with the love of country and of free government to call our young men to the field.

The first object is to complete the regular establishment to its legal complement, and to keep it there. The pay of the soldiers has already been raised during the present session of Congress; but this, it is feared, will not afford a sufficient inducement to fill the ranks within the requisite time. Let the bounty be raised to the sum of forty dollars to each recruit, and let the officers receive the sum of five dollars per man for all whom they may recruit. These additional encouragements will, it is presumed, secure the desired success. When filled, how keep the regiments full? The presence of all the officers will be necessary, in that state, for their command; none could be spared to recruit. Different expedients have occurred to supply supernumerary officers for the recruiting business. It has, for example, been proposed to add a certain number of regiments, from fifteen to twenty, to the present Military Establishment; but this would be to rely on that establishment alone; which, as is presumed, it would be highly improper to do. This plan is further objectionable, on account of the expense attending it; and likewise, as it would create delay in the organization of the corps and appointment of the officers. The same objections are applicable to the addition of a company to each battalion, not to mention others. On much consideration, the following expedient has occurred as most eligible. Let one field officer, a major, be added to each regiment, and a third lieutenant to each company. This will allow a field officer and ten company officers from each regiment, for the recruiting service, which would be sufficient.

The additional force proposed for one year is intended to supply the probable deficiencies in the present Military Establishment. This force being to be raised for a shorter term, and for a special purpose, it is presumed that much aid may be drawn from that source, and with great despatch, for the purposes of the next campaign. It is probable, also, that it may be done without essentially interfering with enlistments into the old corps, as most of the men who may enter into this, might not be willing to engage in them.

If a lingering war is maintained, the annual disbursements will be enormous. Economy requires that it be brought to a termination with the least possible delay. If a strong army is led to the field early in the Spring, the British power on this Continent must sink before it; and when once broken down, it will never rise again. The re-conquest of Canada will become, in the opinion of all enlightened men, and of the whole British nation, a chimerical attempt. It will therefore be abandoned; but if delay takes place, reinforcements may be expected, and the war be prolonged. It is to save the public money, and the lives of our people, and the honor of the nation, that high bounties, and premiums, and the most vigorous exertions in other respects, are advised. The prolongation of the war, for a single campaign, would exceed these expenditures more than tenfold.

C.

Boston, August 5, 1812.

SIR: I received your letter of the 21st of July, when at Northampton, and the next day came to Boston. The people of this State appear to be under no apprehension of an invasion. Several towns, indeed, on the seacoast, soon after the declaration of war, applied to the Governor and Council for arms and ammunition, similar to the articles of that kind which had been delivered to them by the State in the course of the last war, and in some instances they were supplied accordingly. But they expressed no desire that any part of the militia should be called out for their defence; and, in some cases, we were assured that such a measure would be disagreeable to them.

You observe, in your last letter, that the danger of invasion, which existed at the time of issuing the orders of the President, increases.

It would be difficult to infer, from this expression, that, in your opinion, that danger is now very considerable; as the President's order must have been issued before war was declared, your former letter being dated the 12th of June, and General Dearborn's, who was then at Boston, on the 22d of that month; besides, it can hardly be supposed that, if this State had been in great danger of invasion, the troops would have been called from hence to carry on offensive operations in a distant province; however, as it was understood that the Governor of Nova Scotia had, by proclamation, forbid any incursions or depredations upon our territories, and as an opinion generally prevailed that the Governor had no au-

The Militia.

thority to call the militia into actual service, unless one of the exigencies contemplated by the Constitution exists, I thought it expedient to call the Council together, and having laid before them your letter, and those I had received from General Dearborn, I requested their advice on the subject of them.

The Council advised, "That they are unable, from a view of the Constitution of the United States, and the letters aforesaid, to perceive that any exigency exists which can render it advisable to comply with the said requisition; but as, upon important questions of law, and upon solemn occasions, the Governor and Council have authority to require the opinion of the Justices of the Supreme Judicial Court, it is advisable to request the opinion of the Supreme Court upon the following questions, viz:

"1st. Whether the Commanders-in-chief of the militia of the several States have a right to determine whether any of the exigencies contemplated by the Constitution of the United States exist, so as to require them to place the militia, or any part of it, in the service of the United States, at the request of the President, to be commanded by him pursuant to acts of Congress.

"2d. Whether, when either of the exigencies exist, authorizing the employing the militia in the service of the United States, the militia, thus employed, can be lawfully commanded by any officer but of the militia, except by the President of the United States."

I enclose a copy of the answers given by the judges to these questions.

Since the Council were called, a person deputed by the towns of Eastport and Robinson, on our eastern boundary, at Passamaquoddy, applied to me, representing that they had no apprehensions of invasion by an authorized British force, but that there were many lawless people on the borders, from whom they were in danger of predatory incursions, and requesting that they might be furnished with some arms and ammunition, and that three companies of militia might be called out for their protection. The Council advised that they should be supplied with such arms and ammunition as were necessary for their present defence, which has been ordered. They also advised me to call into the service of the United States, three companies of the detached militia, for the purpose abovementioned. I have this day issued an order for calling out three companies of the detached militia, to be marched forthwith to Passamaquoddy, and to be commanded by a major; two of the companies will be stationed at Eastport, and one company at Robinson, until the President shall otherwise direct.

I have no intention officially to interfere in the measures of the General Government; but, if the President was fully acquainted with the situation of this State, I think he would have no wish to call our militia into service in the manner proposed by General Dearborn.

It is well known that the enemy will find it difficult to spare troops sufficient for the defence

of their own territory, and predatory incursions are not likely to take place in this State; for, at every point, except Passamaquoddy, which can present an object to those incursions, the people are too numerous to be attacked by such parties as generally engage in expeditions of that kind.

General Dearborn proposed that the detached militia should be stationed at only a few of the ports and places on the east; from the rest, a part of their militia were to be called away. This circumstance would increase their danger; it would invite the aggressions of the enemy, and diminish their power of resistance.

The whole coast of Cape Cod is exposed as much as any part of the State to depredations; part of the militia must, according to this detailing order, be marched from their homes; and yet no place in the old colony of Plymouth is assigned to be the rendezvous of any of the detached militia.

Every harbor or port within the State has a compact settlement, and, generally, the country around the harbors is populous. The places contemplated in General Dearborn's specification, as the rendezvous of the detached militia, excepting in one or two instances, contain more of the militia than the portion of the detached militia assigned to them. The militia are well organized, and would undoubtedly prefer to defend their firesides, in company with their friends, under their own officers, rather than be marched to some distant place, while strangers might be introduced to take their places at home.

In Boston the militia is well disciplined, and could be mustered in an hour upon any signal of an approaching enemy; and in six hours the neighboring towns would pour in a greater force than any invading enemy will bring against it.

The same remark applies to Salem, Marblehead, and Newburyport; places whose harbors render an invasion next to impossible. In all of them there are, in addition to the common militia, independent corps of infantry and artillery, well disciplined and equipped, and ready, both in disposition and means, to repair to any place where invasion may be threatened, and able to repel it, except it should be made by a fleet of heavy ships; against which, nothing perhaps but strong fortifications, garrisoned by regular troops, would prove any defence until the enemy should land, when the entire militia would be prepared to meet them.

Kennebunk is unassailable by anything but boats, which the numerous armed population is competent to resist. Portland has a militia and independent corps, sufficiently numerous for its defence; and the same is the case with Wiscasset and Castine.

Against predatory incursions the militia of each place would be able to defend their property, and in a very short time they would be aided, if necessary, by the militia of the surrounding country. In case of a more serious invasion, whole brigades or divisions could be collected seasonably for defence. Indeed, considering the state of the militia in this Commonwealth, I

The Militia.

think there can be no doubt that, detaching a part of it, and distributing it into small portions, will tend to impair the defensive power.

I have thus freely expressed to you my own sentiments, and, so far as I have heard, they are the sentiments of the best informed men. I am fully disposed to afford all the aid to the measures of the National Government which the Constitution requires of me; but, I presume, it will not be expected or desired that I shall fail in the duty which I owe to the people of this State, who have confided their interests to my care.

I am, sir, with respect, your most obedient and humble servant,

CALEB STRONG.

Hon. WM. EUSTIS,
Secretary of War.

To his Excellency the Governor and the Honorable the Council of the Commonwealth of Massachusetts, the undersigned, Justices of the Supreme Judicial Court, have considered the questions proposed by your Excellency and Honors for their opinion.

By the Constitution of this State, the authority of commanding the militia of the Commonwealth is vested exclusively in the Governor, who has all the power incident to the office of Commander-in-Chief, and is to exercise them personally, or by subordinate officers under his command, agreeably to the rules and regulations of the Constitution and the laws of the land.

While the Governor of the Commonwealth remained in the exercise of these powers, the Federal Constitution was ratified; by which was vested in the Congress a power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to provide for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers.

The Federal Constitution further provides, that the President shall be Commander-in-Chief of the Army of the United States, and of the militia of the several States when called into the actual service of the United States.

On the construction of the Federal and State constitutions must depend the answers to the several questions proposed. As the militia of the several States may be employed in the service of the United States, for the three specific purposes of executing the laws of the Union, of suppressing insurrections, and of repelling invasions, the opinion of the judges is requested, whether the Commanders-in-Chief of the militia of the several States have a right to determine whether any of the exigencies aforesaid exist, so as to require them to place the militia, or any part of it, in the service of the United States, at the request of the President, to be commanded by him, pursuant to acts of Congress.

It is the opinion of the undersigned that this right is vested in the Commanders-in-Chief of the militia of the several States.

The Federal Constitution provides that, whenever either of those exigencies exist, the militia may be employed pursuant to some act of Congress, in the service of the United States; but no power is given, either to the President or to Congress, to determine that either of the said exigencies do in fact exist. As this power is not delegated to the United States by the Federal Constitution, nor prohibited by it to the States, it is reserved to the States, respectively; and from the nature of the power, it must be exercised by those with whom the States have respectively intrusted the chief command of the militia.

It is the duty of these commanders to execute this important trust, agreeably to the laws of their several States, respectively, without reference to the laws or officers of the United States, in all cases except those specially provided in the Federal Constitution. They must, therefore, determine when either of the special cases exist, obliging them to relinquish the execution of this trust, and to render themselves and the militia subject to the command of the President. A different construction, giving to Congress the right to determine when these special cases exist, authorizing them to call forth the whole of the militia, and taking them from the Commanders-in-Chief of the several States, and subjecting them to the command of the President, would place all the militia, in effect, at the will of Congress, and produce a military consolidation of the States, without any Constitutional remedy, against the intentions of the people when ratifying the Constitution. Indeed, since passing the act of Congress of February 28th, 1795, chapter 101, vesting in the President the power of calling forth the militia, when the exigencies mentioned in the Constitution shall exist, if the President has the power of determining when those exigencies exist, the militia of the several States is, in effect, at his command, and subject to his control.

No inconveniences can reasonably be presumed to result from the construction which vests in the Commanders-in-Chief of the militia in the several States, the right of determining when the exigencies exist, obliging them to place the militia in the service of the United States. These exigencies are of such a nature that the existence of them can be easily ascertained by, or made known to, the Commanders-in-Chief of the militia; and when ascertained, the public interest will produce prompt obedience to the acts of Congress.

Another question proposed to the consideration of the judges is, whether, when either of the exigencies exist, authorizing the employing of the militia in the service of the United States, the militia thus employed can be lawfully commanded by any officer but of the militia, except by the President of the United States?

The Federal Constitution declares, that the President shall be Commander-in-Chief of the Army of the United States. He may, undoubtedly, exercise this command by officers of the Army of the United States, by him commissioned according to law. The President is also

The Militia.

declared to be the Commander-in-Chief of the militia of the several States, when called into the actual service of the United States. The officers of the militia are to be appointed by the States, and the President may exercise his command of the militia by officers of the militia duly appointed; but we know of no Constitutional provision, authorizing any officer of the Army of the United States to command the militia, or authorizing any officer of the militia to command the Army of the United States. The Congress may provide laws for the government of the militia when in actual service; but to extend this power to the placing them under the command of an officer, not of the militia, except the President, would render nugatory the provision, that the militia are to have officers appointed by the States.

The union of the militia in the actual service of the United States, with troops of the United States, so far as to form one army, seems to be a case not provided for, or contemplated in the Constitution. It is, therefore, not within our department to determine on whom the command would devolve, on such an emergency, in the absence of the President. Whether one officer, either of the militia or of the army of the United States, to be settled according to military rank, should command the whole; whether the corps must be commanded by their respective officers, acting in concert, as allied forces; or what other expedient should be adopted, are questions to be answered by others.

The undersigned regret that the distance of the other justices of the Supreme Judicial Court renders it impracticable to obtain their opinions seasonably upon the questions submitted.

THEOPHILUS PARSONS,
SAMUEL SEWALL,
ISAAC PARKER.

Extract of a letter from General Dearborn to the Secretary of War, dated

MIL. DIST., No. 1, HEADQUARTERS,
Boston, July 14, 1814.

SIR: From the exposed and unprotected situation of the military posts in this harbor, and the seaboard of this State generally, and the threats and daily depredations of the enemy, I have concluded it my duty to exercise the authority vested in me by the President of the United States, by requesting the Governor to order out a detachment of artillery and infantry.

A copy of my letter to Governor Strong, and of his answer, are enclosed.

Copy of a letter from General Dearborn to His Excellency Caleb Strong, Governor of the State of Massachusetts, dated

MIL. DIST., No. 1, HEADQUARTERS,
Boston, July 8, 1814.

SIR: The existing state of alarm on the seaboard of this Commonwealth, arising from the daily depredations committed by the enemy on

our coast, renders it desirable to afford some additional protection to the citizens generally on the seaboard, and especially to the principal towns and villages; and by virtue of authority derived from the President of the United States, I deem it my duty, at this time, to request that your Excellency will be pleased to give the necessary orders for having detached, as early as circumstances will permit, armed, and equipped as required by law, one major of artillery, two captains, eight lieutenants, thirteen sergeants, eleven corporals, six musicians, and two hundred privates; and one lieutenant colonel of infantry, two majors, ten captains, thirty subalterns, one adjutant, one quartermaster, one paymaster, one sergeant major, one quartermaster sergeant, two principal musicians, fifty sergeants, fifty corporals, twenty musicians, and nine hundred privates, to remain in the service of the United States for the term of three months, unless sooner discharged by order of the President of the United States. As it will be necessary to have the artillery and infantry placed at the different posts on the seaboard of this State, it would be desirable that, as far as practicable, they would be detached from the vicinity of the respective posts. The intended distribution of the detachment will be communicated to the Adjutant General of the State previous to his issuing the necessary orders. The proportion of officers, non-commissioned officers, musicians, and privates, is in conformity with the present regulations of the Department of War, from which I am not authorized to admit of any material deviation.

Copy of a letter from his Excellency Caleb Strong, Governor of the State of Massachusetts, to General Dearborn, dated

NORTHAMPTON, *July 12, 1814.*

SIR: This morning I received your letter of the eighth instant. As you propose to communicate to General Brooks your views concerning the particular destination of the militia to be called out for the defence of the towns on the seaboard of this State, I have written to him on the subject.

Your suggestion that the men should be detached, as far as may be, from the vicinity of the respective posts, I think is perfectly proper, and I have no doubt you will be able to make such arrangements with General Brooks as will be satisfactory.

Extract of a letter from General Dearborn to the Secretary of War, dated

MIL. DIST., No. 1, HEADQUARTERS,
Boston, Sept. 5, 1814.

SIR: Having received such information as is entitled to full credit, that the enemy, with a formidable naval and land force, has arrived in Penobscot Bay, and taken possession of Castine; and presuming his force, after forming a place of arms at Castine, will, with such reinforcements as he may receive from Halifax, in addition to

The Militia.

the naval force now in Boston Bay, attempt the destruction of the public ships, and other public and private property on the seaboard, I have deemed it necessary to request the Governors of this State and New Hampshire to order out, for the defence of Boston harbor, Portsmouth, Portland, and that part of the District of Maine between Kennebec river and Penobscot, five thousand two hundred infantry and five hundred and fifty artillery, for the term of three months, unless sooner discharged.

Extract of a letter from H. Dearborn to the Secretary of War, dated

HEADQUARTERS, DISTRICT No. 1,
Boston, October 15, 1814.

SIR: In obedience to the direction in your letter, of the 27th ultimo, on the 2d instant I made a formal requisition on Governor Strong for three hundred militia, to guard the prisoners at Pittsfield, and I enclosed to him a copy of your letter, for the purpose of showing him the necessity of his compliance. Having waited until yesterday morning without any answer from his Excellency, I directed one of my aids to call on the Adjutant General of the State, to ascertain whether he had received any order for making out the detachment for Pittsfield. The answer was, that no direction had been received from the Governor to make such detachment.

Copy of a letter from his Excellency Caleb Strong, Governor of the State of Massachusetts, to the Secretary of War, dated

Boston, September 7, 1814.

The troops of the United States which, at different periods, were stationed on the seacoast of this State, have been afterwards ordered to join the army on the Western frontiers, so that very few have remained in the State. We have, therefore, found it necessary, in the course of the last and present year, to call out small bodies of the militia, as guards to the towns most exposed. As the danger has increased, the number of detached militia has been augmented, and I have now issued the enclosed general order for the protection of Boston, and the towns and property in its neighborhood, and shall immediately issue an order of a similar kind for the security of the District of Maine.

A few weeks since, agreeably to the request of General Dearborn, I detached eleven hundred militia, for three months, for the defence of our seacoast, and placed them under his command as superintendent of this military district; but such objections and inconveniences have arisen from that measure, that it cannot now be repeated. The militia called out on this occasion will be placed under the immediate command of a Major General of the militia.

I will thank you, sir, to consult with the President, and inform me whether the expenses thus necessarily incurred for our protection will be ultimately reimbursed to this State by the Gen-

eral Government; and I shall be particularly obliged if you will favor me with an answer soon as may be, as the Legislature of the State will meet on the 6th of the next month.

Commonwealth of Massachusetts.

HEADQUARTERS, BOSTON,
September 6, 1814.

General Orders:

The war between the United States and Great Britain having lately become more destructive, in consequence of violations of our territory by the forces of the enemy, which continue to menace our cities and villages, the shipping in our harbors, and private property on shore, his Excellency the Commander-in-Chief orders the whole of the militia to hold themselves in readiness to march at a moment's warning, with arms, ammunition, and accoutrements, as the laws of the United States and of this State require. Every man must likewise be provided with a good knapsack and blanket. Captains of companies must realize it to be one of their most solemn and imperative duties to see the law respecting arms and equipments efficaciously executed; but the Commander-in-Chief relies on the concurring aid of all the general and field officers, in encouraging the company officers in the discharge of their duty. The Major Generals and commanding officers of divisions will give the necessary orders for an immediate inspection of their several regiments by companies. Every instance of deficiency of arms or equipments should be forthwith supplied by the delinquent individual, or by the town to which he may belong, agreeably to the requirements of the militia law.

The officers commanding regiments, battalions, and companies of artillery, will pay special attention, at this interesting moment, to the state of their field pieces, their carriages, and tumbrils, and see that everything appertaining to them is in the most perfect order for marching and for action, and particularly that suitable horses are always engaged, and ready at any moment to be attached to their pieces, that they may be moved to any point required with celerity. All the companies of artillery now to be called into immediate service, besides the requisite supplies of fixed and other ammunition, will be furnished by the Quartermaster General, with prolonges and bricoles. The Legislature of this State, always proud of its militia, has been particularly liberal in its artillery establishment; and the Commander-in-Chief promises himself, that, emulating the brilliant example of Knox and his heroic associates in the artillery of the Revolution, they will be equally distinguished for their discipline as soldiers, and for their gallantry in the field.

Under possible events, the cavalry of the several divisions may be in requisition. Every motive, therefore, of love of country, of honor, and sympathy for their fellow-citizens who may be suffering the perils of war, will prompt them to maintain the most perfect state of preparation, and to move, when called to the scene of action,

The Militia.

with all the rapidity of which cavalry is susceptible. The general officers, and the field officers of cavalry, as well as the company officers, will direct their attention to the quality of the horses, and suffer no man to be mounted but upon a horse sound and fit for actual service. A few bad horses may occasion irretrievable disaster.

The Commander-in-Chief having thus called the attention of all officers and soldiers of the militia to the observance of their several duties, at this eventful crisis, the more effectually to meet impending danger orders that all the flank companies, whether of light infantry, grenadiers, or riflemen, of the 1st and 2d brigades of the 1st division; two companies, viz: the one at Andover, and the other at Haverhill, of the 2d division; all the companies of the 3d division, excepting the two companies in Charlestown; four companies of the 4th division; five companies of the 5th division; eight companies of the 7th division; and two companies of the 9th division, do immediately march to the town of Boston, unless (in the meantime) otherwise directed. Each company will march to its place of destination by itself, without waiting for any other corps.

These companies, when assembled, will be arranged into regiments, or otherwise, as circumstances may dictate; and, with the addition of twelve companies of artillery, will form the elite, or advance corps of the Massachusetts militia. The field officers to command the regiments, and a general officer to command the whole, will hereafter be designated in general orders. The several companies of artillery, to be annexed to the advance corps, will be furnished by the following divisions, viz: two companies from the first brigade, and one company from the 2d brigade of the 3d division; four companies from the 4th division; one company from the 5th division; and four companies from the 7th division.

Besides the abovementioned companies, the Commander-in-Chief orders a detachment of sixteen companies of infantry to be immediately made from the fourth division, properly officered, and arranged into two regiments, which will march to Boston without the least unnecessary delay. Major General Mattoon is charged with the arrangement of the regiments.

From the 9th division, the Commander-in-Chief orders eight companies of infantry to be detached, properly officered, formed into a regiment, and marched to Boston. Major Generals Mattoon and Whiton will assign field officers for the troops to be detached from their respective divisions; and the Commander-in-Chief relies on their experience and zeal to carry this order into the most prompt and energetic effect. As soon as the troops shall commence their march, each Major General will give notice of it to the Adjutant General.

All the troops must be well armed, accoutred, and equipped, and provided with ammunition, provisions, knapsacks, and blankets, as the law requires. The men will be supplied with rations when they arrive at the place of destination, and

will receive pay from the time of their being embodied.

The security of the town and harbor of Boston being an object of primary importance, the Commander-in-Chief, while he wishes to direct the principal energies of the State to the attainment of this end, is solicitous to render the militia of Boston itself as efficient as possible. With this view he orders the infantry of the 3d brigade of the 1st division, commanded by Brigadier General Welles, to be called out by regiments, in rotation, two days successively, for the purpose of improving their discipline, already respectable, and of enabling them to practise the higher duties of the field. This order is committed to Brigadier General Welles, whose knowledge in tactics, and animated zeal in the service of his country, must insure to his exertions the highest effect. The order will be continued in operation until revoked. The flank companies of this brigade will be reserved for other service.

The troops called into actual service by this order, will serve three months after they arrive at their ultimate rendezvous, unless sooner discharged. By his Excellency's command.

— — —, *Adjutant General.*

Copy of a letter from James Monroe, Secretary of War, to his Excellency Caleb Strong, Governor of Massachusetts, dated

SEPTEMBER 17, 1814.

SIR: I have had the honor to receive your Excellency's letter of the 7th instant.

The attack of the enemy on Baltimore, and probable eventual attack on other places, with the heavy duties incident thereto, pressing on this Department, have prevented my answering it at an earlier day.

It may be satisfactory to your Excellency for me to explain the views and principles on which this Government has acted, in regard to the defence of our Eastern frontier.

It was anticipated, soon after the commencement of the war, that, while it lasted, every part of the Union, especially the seaboard, would be exposed to some degree of danger, greater or less, according to the spirit with which the war might be waged. It was the duty of the Government to make the best provision against that danger which might be practicable, and it was proper that the provision should continue while the cause existed.

The arrangement of the United States into military districts, with a certain portion of the regular force, artillery, and infantry, under an officer of the regular army, of experience and high rank, in each district, with power to call for the militia as circumstances might require, was adopted, with a view to afford the best protection to every part that circumstances would admit.

It was presumed that the establishment of a small force of the kind stated, constituting the first elements of an army, in each district, to be aided by the militia, in case of an emergency,

The Militia.

would be adequate to its defence. Such a force of infantry and artillery might repel small predatory parties, and form a rallying point for the militia at the more exposed and important stations, in case of more formidable invasion. A regular officer, of experience, stationed in the district, acting under the authority, and pushing the will, of the Government, might digest plans for its defence; select proper points for works, and superintend the erection of them; call for supplies of ordnance, for tents, and camp equipage; for small arms, and other munitions of war; call for the militia, and dispose of the whole force. These duties, it was believed, could not be performed with equal advantage by the officers of the militia, who, being called into service for short terms, would not have it in their power, however well qualified they might be in other respects, to digest plans, and preserve that chain of connexion and system in the whole business which seemed indispensable. On great consideration, this arrangement was deemed the most eligible that could be adopted under the authority of the United States; indeed, none other occurred that could be placed in competition with it. In this mode the National Government acts, by its proper organs, over whom it has control, and for whose engagements it is responsible.

The measures which may be adopted by a State Government for the defence of a State must be considered as its own measures, and not those of the United States. The expenses attending them are chargeable to the State, and not to the United States.

Your Excellency will perceive that a different construction would lead into the most important, and, as is believed, into the most pernicious consequences. If a State could call out the militia, and subject the United States to the expense of supporting them, at its pleasure, the national authority would cease, as to that important object, and the nation be charged with expenses, in the measures producing which the National Government had no agency, and over which it could have no control. This, however, though a serious objection to such a construction, is not the most weighty. By taking the defence of the State into its own hands, and out of those of the General Government, a policy is introduced, on the tendency of which I forbear to comment. I shall remark, only, that, if a close union of the States, and a harmonious co-operation between them and the General Government, are, at any time, necessary for the preservation of their independence, and of those inestimable liberties which were achieved by the valor and blood of our ancestors, that period may be considered as having arrived.

It follows, from this view of the subject, that, if the force which has been put into service by your Excellency has been required by Major General Dearborn, or received by him and put under his command, the expenses attending it will be defrayed by the United States. It follows, likewise, as a necessary consequence, that, if this force has been called into service by the authority of the

State, independently of Major General Dearborn, and be not placed under him, as commander of the district, that the State of Massachusetts is chargeable with the expense, and not the United States. Any claim which the State may have to reimbursement must be judged of hereafter, by the competent authority, on a full view of all the circumstances attending it. It is a question which lies beyond the authority of the Executive.

Your Excellency will perceive that this Government has no other alternative than to adhere to a system of defence, which was adopted, on great consideration, with the best view to the general welfare, or to abandon it, and with it a principle held sacred, thereby shrinking from its duty, at a moment of great peril, weakening the guards deemed necessary for the public safety, and opening the door to other consequences not less dangerous.

By these remarks it is not intended to convey the idea that a militia officer, of superior grade, regularly called into service, shall not command an officer of the regular army of inferior grade, when acting together. No such idea is entertained by the Government. The militia are relied on essentially for the defence of the country: in their hands everything is safe. It is the object of the Government to impose on them no burdens which it may be possible to avoid, and to protect them, in the discharge of their duties, in the enjoyment of all their rights.

The various points which are attacked and menaced by the enemy, especially in this quarter, where they are waging, in considerable force, a predatory and desolating warfare, make it difficult to provide immediately for all the necessary expenditures. Any aid which the State of Massachusetts may afford to the United States to meet those expenditures, will be cheerfully received, and applied to the payment and support of the militia of that State in the service of the United States.

It will be proper that the money thus advanced should be deposited in some bank in Boston, that the disbursement of it may be made under the authority of the Government of the United States, as in similar cases elsewhere. Credit will be given to the State for such advances, and the amount be considered a loan to the United States.

I have the honor to be, &c.

[A similar letter was written to the Governor of Connecticut.]

SHARON, (CONN.,) July 2, 1812.

SIR: His Excellency Governor Griswold has received from Major General Henry Dearborn a letter, under date of the 22d of last month, requesting that five companies of the militia of this State, detached conformably to the act of Congress, of April 10, 1812, may be ordered into the service of the United States, to wit: two companies of artillery, and two companies of infantry, to be placed under the command of the commanding officer at Fort Trumbull, near New London; and one company of artillery, to be station-

The Militia.

ed at the battery at the entrance of the harbor of New Haven.

Impressed with the deep importance of the requisition, and the serious consideration it involves, his Excellency deemed it expedient to convene the Council, at Hartford, on Monday, the 29th ultimo. He has taken their advice upon this interesting subject, and has formed his own deliberate opinion; but, as he is under the necessity of leaving the State on a journey, for the recovery of his health, it becomes my duty, as Lieutenant Governor, to communicate to you the result. The assurance contained in the Governor's letter of the 17th June last, in answer to yours of the 12th of the same month, was necessarily given in full confidence that no demand would be made by General Dearborn, but in strict conformity to the Constitution and laws of the United States. His Excellency regrets to perceive that the present requisition is supported by neither.

The Constitution of the United States has ordained that Congress may "provide for calling forth the militia to execute the laws of the Union, suppress insurrections; and repel invasions." Accordingly the acts of Congress, of February, 1795, and of April, 1812, do provide for calling forth the militia in the exigencies abovementioned.

The Governor is not informed of any declaration, made by the President of the United States, or of notice by him given, that the militia are required "to execute the laws of the Union, suppress insurrections, or repel invasions," or that "the United States are in imminent danger of invasion." As, therefore, none of the contingencies enumerated in the Constitution, and recognised by the laws, are known to have taken place, his Excellency considers that no portion of the militia of this State can, under existing circumstances, be withdrawn from his authority.

Further, if the call had been justified by either of the Constitutional exigencies already cited, still, in the view of his Excellency, an insuperable objection presents itself against placing the men under the immediate command of an officer or officers of the Army of the United States.

The appointment of the officers of the militia is, by the Constitution, expressly reserved "to the States, respectively." In the event of their being called into the actual service of the United States, in the cases before specified, the laws of the United States provide for their being called forth as militia, furnished with proper officers by the State. And, sir, it will not escape your recollection, that the detachment from the militia of this State, under the act of Congress of the 10th of April last, is regularly organized into a division, consisting of brigades, regiments, battalions, and companies, and supplied, conformably to law, with all the necessary officers. His Excellency conceives, then, that an order to detach a number of companies, sufficient for the command of a battalion officer, and place them under the command of an officer of the United States, cannot with propriety be executed, unless we were also prepared to admit that the privates may be separated from their company officers, and transferred into the

Army of the United States; thus leaving the officers of the militia without any command, but in name, and in effect impairing, if not annihilating, the militia itself, so sacredly guaranteed by the Constitution to the several States.

Under these impressions the Governor has thought proper, by and with the advice of the Council, to refuse a compliance with the requisition of Major General Dearborn.

His Excellency is sincerely disposed to comply promptly with all the Constitutional requests of the National Executive—a disposition which has ever been manifested by the Government of this State; and he laments the occasion which thus compels him to yield obedience to the paramount authority of the Constitution and laws of the United States. He trusts the General Government will speedily provide an adequate force for the security and protection of the seacoast. In the meantime his Excellency has issued the necessary orders to the General officers commanding the militia in that quarter, to be in readiness to repel any invasion which may be attempted upon that portion of the State; and to co-operate with such part of the National forces as shall be employed for the same purpose.

With great respect, I am, &c.

JOHN COTTON SMITH.

HON. WILLIAM EUSTIS,
Secretary of War.

Extract of a letter from his Excellency John Cotton Smith, to the Secretary of War, dated

NEW LONDON, June 7, 1813.

I arrived at this place on the 5th instant, and found about six hundred of the militia of this State stationed on the two sides of the river, who had been assembled under the circumstances mentioned in my letter from Hartford, of the 2d inst.

I shall not disband any part of the militia until a communication is received from Commodore Decatur, being heartily disposed to assist his views in affording all possible protection to the squadron and harbor. I will address you again before my departure from this place, and, in the meantime, am desirous of receiving the instructions of the President as to the course proper to be pursued.

Extract of a letter from his Excellency John Cotton Smith, to the Secretary of War, dated

NEW LONDON, June 12, 1813.

On a consultation with Commodore Decatur, as proposed in my last, it was concluded to retain the whole of the militia then assembled, until their places could be supplied by two regiments drawn from the neighborhood. Orders were issued accordingly.

But, on the arrival of the two regiments, information was received that a bomb ketch had been added to the enemy's squadron, and that preparations were evidently making for an attack. At the instance of Commodore Decatur, who knows best his own capacity of meeting the exigency,

The Militia.

and on whose opinion, therefore, I must greatly rely, the whole force was directed to remain, excepting such individuals as were under a pressing necessity of returning to their homes. The number of militia now here is about fifteen hundred, including officers.

Extract of a letter from his Excellency John Cotton Smith, to the Secretary of War, dated

NEW LONDON, June 16, 1812.

Your favor of the 12th instant is received, and has afforded me much pleasure.

The details in my letter of the 12th instant, I trust, will fully justify, in the view of the President, the additional force it was then thought necessary to employ. After closing my despatches on that day, the hostile fleet got under sail, approached the harbor, and fired several shots at the guards, and, to all appearance, were meditating an attack.

Whether the display of so respectable a body of troops, or some other cause, discouraged them from the attempt is not known. The enterprise was for that time abandoned, and on the 14th two of their ships passed eastward, out of the Sound.

As soon as information of this diminution of the squadron was received, orders were issued to disband the two regiments that were first brought into the field, and a further reduction of the troops is this day made, to the number mentioned in your letter.

Extract of a letter from his Excellency John Cotton Smith, to the Secretary of War, dated

STATE OF CONNECTICUT,
Sharon, August 1, 1814.

Your letter of the 4th July last reached me on the 16th of the same month.

Although there appears to be no act of Congress expressly authorizing a detachment from the militia, for the purpose mentioned in your communication, yet the respect due to a recommendation from the President, having for its object the defence of the country, induced me, without unnecessary delay, to convene the Council of the State, and to submit the proposition to their consideration.

That honorable body having advised the Executive to detach the number of militia suggested, as the proportion of Connecticut, orders were immediately issued to that effect, and you will be speedily informed, by the proper officer, of their execution.

Copy of a letter from General Cushing to his Excellency Governor Smith, dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, Aug. 1, 1814.

SIR: I have been notified by the Secretary of War that, on the 4th day of July last, a requisition was made on the Executive of the State of

Connecticut for a body of militia, to be organized and held in readiness for immediate service; and I am instructed by him, "in case of actual or menaced invasion of the district under my command, to call for a part or the whole of the quotas assigned to the States of Connecticut and Rhode Island, which shall have been organized and equipped under the aforesaid requisition." But in the performance of this duty I am charged "to avoid all unnecessary calls; to proportion the calls to the exigency; and to have inspected, without delay, all corps entering on the service, to the end that men who, from any cause, are unfit therefor, be promptly discharged, and that a due proportion, in all cases, be maintained between officers and privates."

It is not deemed necessary to call any part of the quota of Connecticut into the service of the United States at this time; but it is desirable that the draught be made, and the men held in readiness for immediate service, whenever circumstances may indicate an intention on the part of the enemy to invade any part of the State. And I have, therefore, to request your Excellency to inform me whether the quota of militia required of this State by the aforesaid requisition has been, or will be "organized and held in readiness for immediate service?" whether, on my requisition, the whole or any part of the said militia will be ordered into the service of the United States in the first instance, or to such General and field officers as may have been detailed for this service? and, generally, that your Excellency would be pleased to favor me with such information and opinions, in relation to the objects and designs of the enemy, and to the defence of this State, as you may think proper to communicate.

I have only to add that, as commanding officer of this military district, it will be my constant endeavor to preserve the strictest harmony and good will between the National troops and the militia; and that the rights of the latter, as secured by the Constitution and laws of our country, shall be duly respected by every officer and soldier under my command.

Extracts of a letter from John C. Smith to General Cushing, dated

STATE OF CONNECTICUT,
Sharon, August 4, 1814.

"I have the pleasure to acknowledge the receipt of your letter of the 1st instant.

"The Adjutant General is directed to send you a transcript of the General Orders, issued on the 28th ultimo, for organizing and holding in readiness a body of militia, pursuant to a recommendation from the President of the United States. To that document I must refer you for answers to most of your inquiries."

"The militia, whenever their services are required, will expect to march under orders received from their Commander-in-Chief; and such orders as the exigency demand, you may rest assured, shall be promptly given."

The Militia.

STATE OF CONNECTICUT,
Hartford, July 28, 1814.

General Orders:

The Commander-in-Chief has received a communication from the President of the United States, inviting the Executives of certain States to organize, and hold in readiness for immediate service, a corps of ninety-three thousand five hundred men, "as a measure of precaution to strengthen ourselves on the line of the Atlantic," and assigning, as the quota of Connecticut, three hundred artillery, and two thousand seven hundred infantry, with a detail of General and Staff officers.

The Commander-in-Chief having thought proper, by advice of the Council, to comply with the recommendation, directs that dispositions be immediately made for carrying the same into effect.

Accordingly the number of artillery and infantry abovementioned, including the regimental officers, will be detached from the militia of the State, exempting from the draught such as have, either in person or by substitute, performed a tour of duty the present season. Volunteer uniform companies will be accepted. The whole to be formed into four regiments, and duly officered. Their places of rendezvous as follows, to wit: for the first regiment, Hartford; for the second, New Haven; for the third, Norwich; and for the fourth, Fairfield. One Major General and one Brigadier General will be detailed in the usual manner; also one Deputy Quartermaster General; and, instead of an Assistant Adjutant General, (there being no such officer in the militia of this State,) there shall be detailed one Division Inspector.

The troops thus detached are to be completely armed and equipped according to law, and, until otherwise directed, will be held in readiness to march at a moment's warning, for the purpose of repelling invasions of the enemy, under such orders as they shall receive from the Commander-in-Chief.

Notwithstanding this arrangement, it is confidently expected that the whole body of militia, and every other description of military force, will bear in mind the general orders issued on the 19th of April last, and will stand in complete readiness for the defence of the State, at this unusual period of difficulty and danger.

E. HUNTINGTON, *Adj. Gen.*

NORWICH, *August 11, 1814.*

SIR: By desire of his Excellency Governor Smith, I have forwarded a copy of his general order, of 28th July, for your information, on some points of inquiry made to him. I am, &c.,

E. HUNTINGTON, *Adj. Gen.*

Brigadier General CUSHING.

Copy of a letter from General Cushing to the Governor of Connecticut, dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, August 10, 1814.

SIR: By Major General Williams's communication of this date, your Excellency will be fully

informed of the state of things in this quarter; and by the enclosed district order, that the militia ordered out by him, at my request, are to form a brigade, in the service of the United States, under the command of Brigadier General Isham.

Your Excellency's communication of the 4th instant was received this morning, since which General Williams has furnished me with your general order of the 28th of July; but I have heard nothing from the Adjutant General on this subject.

It is my opinion that the safety of this State requires that fifteen hundred infantry, and two companies of artillery, duly officered, and to be commanded by a Brigadier General of this State's quota of ninety-three thousand five hundred men, required by the President of the United States "to be organized and held in readiness for immediate service," should be immediately detached from the said quota, and ordered to this place, for the purpose of relieving the militia now on duty here, if circumstances should justify the measure, or to increase our means of defence, in the event of more formidable and vigorous operations on the part of the enemy. And I have the honor to request your Excellency to make and place the said detachment under my command. It is desirable that the Brigadier General to be detached on this service should be instructed by your Excellency to report himself to me, by letter, immediately after he shall have been so detached, to inform me of his route to this place, and the probable time of his arrival; and to receive and obey any orders he may receive from me while on his march.

I have the honor to be, &c.,

T. H. CUSHING.

HON. J. C. SMITH,
Governor of Connecticut.

Copy of Adjutant General P. P. Schuyler's orders,
dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, August 10, 1814.

District Orders:

The militia of this State, ordered into service yesterday by Major General Williams, at the request of the Commanding General of the district, are to be considered in the service of the United States, and will form a brigade, under the command of Brigadier General Isham, who will furnish a return, by regiments, to the Adjutant General of the district the soonest possible.

Until the proper returns of General Isham's brigade can be obtained, the contractor will issue provisions on the requisitions of Major Goddard, countersigned by the Commanding General; and the Major will be held responsible for the proper application of all provisions so received, and which must be covered by regular returns, so soon as the strength of the brigade can be ascertained.

By order of the Commanding General.

P. P. SCHUYLER,
Adjutant General.

The Militia.

Extract of a letter from Brigadier General T. H. Cushing to the Secretary of War, dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, Aug. 12, 1814, 10 o'clock, P. M.

"By the letter of the 11th instant, from Governor Smith, of which I enclose a copy, you will see that he has ordered the militia called for on the 10th; but, for the reasons therein stated, claims the right of placing a Major General at their head. I shall endeavor to satisfy him that, with the number of men called for, a Major General cannot be received; but, if he should persist, how is the difficulty to be gotten over?"

Extract of a letter from John Cotton Smith to General Cushing, dated

STATE OF CONNECTICUT, SHARON,
August 11, 1814, 9 o'clock, A. M.

"Your communication, by express, is this moment received.

"Major General Williams is directed to retain the militia now on duty until they shall be relieved by the force ordered out, conformably to your request, or unless circumstances shall justify an earlier dismissal.

"It is probable the draught for the new detachment is not completed; but Brigadier General Lusk, detailed under the orders of the 28th ultimo, is instructed, by the return of the express, to hasten it as fast as possible, and to march, without a moment's delay, with the first and third regiments, whose places of rendezvous are Hartford and Norwich. Their numbers will make the complement you require, including artillery.

"As the force requested by you will constitute a majority of the detachment, there is an evident propriety that it should be commanded by the Major General detailed pursuant to the recommendation of the President. He will accordingly be directed to enter the service as soon as the necessary arrangements will permit. In the meantime Brigadier General Lusk is ordered to report himself to you agreeably to your desire."

Extract of a letter from Brigadier General T. H. Cushing to the Secretary of War, dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, August 29, 1814.

"I deem it proper, at this time, to lay before you a copy of my correspondence with Governor Smith, from the 14th to the 28th, inclusive. Unwilling to relinquish his project for introducing a Major General of militia into the service of the United States, the Governor has attempted to prevail on me to accept a command of six hundred men, to be posted at New Haven, under the command of Major General Taylor, who, it appears, must be provided for.

"I have agreed to accept the men, if properly officered, because it will enable me to discharge an equal number, which must otherwise be marched from this neighborhood; but I have pointedly refused to recognise the Major Gene-

ral, or to have the men mustered and supplied, on any other consideration but that of their being subject to my orders."

Extract of a letter from Brigadier General Cushing to his Excellency John Cotton Smith, Governor of the State of Connecticut, dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, August 14, 1814.

"A brigade in the army of the United States should consist of two thousand men, and the detachment of militia required of your Excellency, by my letter of the 10th instant, does not exceed one thousand seven hundred, which is probably less than any brigade of militia in the State of Connecticut. In asking for a Brigadier General to command this force, I have certainly gone as far as I am authorized by my instructions from the War Department; which are, "that a due proportion, in all cases, be maintained between officers and privates;" and I trust that, on reflection, your Excellency will relinquish the idea of ordering a Major General to assume the command of less than a complete brigade.

"Should circumstances require a further call for men, to an extent equal to a Major General's command, including the one thousand seven hundred, I shall not fail to include that officer in my requisition."

Copy of a letter from Brigadier General Cushing to his Excellency John Cotton Smith, Governor of the State of Connecticut, dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, August 24, 1814.

A copy of your Excellency's letter to me of the 11th instant has been transmitted to the Secretary of War, and I have the honor to enclose an extract of a letter from him on the subject of militia draughts, and a copy of the rules referred to in his letter.

In acting on the late requisition of the President, for three thousand men, to be organized for the service of the United States, I had presumed that your Excellency would have pursued the course suggested by that requisition, and formed the State's quota into three regiments, of one thousand men each; and, under that impression, in my letter of the 10th instant, I did not express the number of privates, non-commissioned and commissioned officers, required. It now appears that a different course has been adopted, and the quota of the State formed into four regiments; but, although, in point of form, there is considerable difference between the three thousand men, as organized by your Excellency, and the same number, as organized in the Army of the United States, yet, as a due proportion between officers and privates will be maintained, and no additional expense incurred, I shall consider the spirit and intention of the rule as having been fully complied with, by the organization which your Excellency has been pleased to direct.

The Militia.

Extract of a letter from his Excellency John Cotton Smith, Governor of the State of Connecticut, to Brigadier General Cushing, dated

HARTFORD, August 25, 1814.

"As you seem, sir, not to have understood, correctly, the views of this Government, with respect to the late detachment, it is fit that I state them to you distinctly.

"The communication from the War Department, under date of the 4th July last, relative to a detachment from the militia, for the purpose therein mentioned, did not assume the style of a 'requisition,' and for the obvious reason, that there existed no law to authorize it. The invitation (for such was its purport) was accepted by the Executive of this State, from a desire to co-operate in what appeared to the President a proper measure of defence for the Atlantic coast. The terms of compliance are contained in the general orders issued on the 28th July, a transcript of which you have received. In organizing the regiment, I conformed as nearly as possible to the act of Congress, passed the 8th May, 1792. I am not informed that there is now in operation any other act of the National Legislature on that subject. If your instructions from the War Department materially interfere with the requirements of this act, it is indeed a subject of regret, but not of doubt, as to the authority which ought, in such case, to prevail.

"I am happy, however, to perceive, that you do not consider the difference as essentially varying the result."

Extract of a letter from Brigadier General Cushing to his Excellency John Cotton Smith, Governor of the State of Connecticut, dated

MIL. DIST., No. 2, HEADQUARTERS,
August 28, 1814.

"Your Excellency's letter of the 25th instant was received last evening, and shall be submitted to the Secretary of War by the next mail.

"Not having the communication from the War Department, under date of the 4th July, before me, when my letter to your Excellency, of the 24th instant, was written, I inadvertently used the term requisition, when I should have employed that of invitation; and I beg leave to assure your Excellency that this was done without any intention or desire of giving to the invitation of the President, or the acceptance of your Excellency, a different understanding from that originally intended."

Extract of a letter from Brigadier General T. H. Cushing to the Secretary of War, dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, Sept. 2, 1814.

"I have the honor to enclose a copy of a letter from Governor Smith, of the 30th of August, with my reply of this date.

"It is now pretty evident that the Governor and Council have determined that their militia shall not be commanded by an officer of the Uni-

ted States; and it is possible an attempt may be made to withdraw the brigade now in service. I am, however, of opinion, that this will not be done before the meeting of the Legislature."

Copy of a letter from his Excellency John C. Smith to Brigadier General Cushing, dated

HARTFORD, August 30, 1814.

SIR: Colonel Waid has delivered me your letter of the 28th instant.

In referring you to the views of this Government respecting the detachment lately organized, it was my design not to criticise your language, but to point your attention to the precise conditions upon which that detachment was formed. The right of command, you will perceive, is expressly reserved. The detachment thus constituted is accepted; and with a knowledge of the reservation just mentioned, you requested a large portion of the troops for public service. Whatever sentiments, therefore, may be entertained as to the right of the Executive of the State to direct its military force, when ordinarily employed in the national service, it surely cannot be questioned in the present instance. If, at your particular desire, Brigadier General Lusk was ordered to report himself to you, in the manner suggested in my letter of the 11th instant, I trust it evinces a spirit of accommodation which will be duly appreciated.

I think, sir, you will be satisfied, upon reflection, that you should have requested the Major General, when you called for a majority of the detachment; especially if you consider that another brigade of militia was at that time on duty; and, from appearances, the services of both might become necessary. That a Brigadier General of the regular army, with no troops in the field, should insist on the command of two entire brigades of militia, whose Brigadier Generals held senior commissions, would have produced a case which neither precedent nor principle could justify. To avoid so unusual and embarrassing a state of things, it became my duty to order the Major General into service. Having been properly detailed, no casual diminution of numbers can affect his right of command.

I enclose you the opinion of the Council in relation as well to this point as to the employment of a larger force at New Haven and Bridgeport. Their opinion is in perfect accordance with my own, and, therefore, will be carried into effect. The troops destined for these posts will arrive at New Haven on the 8th, and at Bridgeport on the 13th of September next. If no officer of the United States appears to muster them, that duty will be performed by an officer of the militia, agreeably to the late act of Congress. If supplies are withheld by your order, they will be furnished by the proper officers of the State, and charged over to the United States.

It is hoped the services of the third regiment may be dispensed with for the present.

From the harmony with which the service was conducted the last season, under an arrangement

The Militia.

not essentially dissimilar, I flattered myself that a temper equally conciliatory would distinguish the present campaign. Whilst I lament that any difference of opinion should exist as to the particular mode of defending our country, at a moment when its dearest interests are in jeopardy, I cannot lose sight of the high duties which I am solemnly bound to discharge.

Extract from the proceedings of the Governor and Council, at a meeting held at Hartford, the 24th day of August, A. D. 1814.

His Excellency the Governor laid before the Council a correspondence between him and Brigadier General Cushing, in regard to the command of two regiments of the militia of this State, now in service, and requested the advice of the Council thereon.

The Council, on mature deliberation, cannot doubt the right or expediency, under existing circumstances, of having in service, from this State, a Major General, authorized to command such portions of the military force as is, or may be, in service for its defence.

Extract of a letter from General Cushing to John C. Smith, Governor of Connecticut, dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, Sept. 2, 1814.

Your Excellency's letter of the 30th of August was received this morning by the Southern mail.

Whether I have understood "the views of the Government, (Connecticut) respecting the detachment lately organized," or not, is, in my estimation, a question of no importance at this time, since, by referring to my letter of the 10th of August, your Excellency will there find the conditions on which the draughted militia, now in service, were asked for, and have been received into the service of the United States. If these conditions did not accord with the "views of this Government," it is not for me to assign the motive which induced your Excellency to make the detachment; but, while I regret that any misunderstanding should exist on this subject, I feel confident that my communications have been too explicit to leave a doubt as to the course authorized and enjoined by the Government of the United States.

Extract of a letter from his Excellency John Cotton Smith to the Secretary of War, dated

STATE OF CONNECTICUT,
Hartford, Sept. 3, 1814.

In consequence of the exposed and defenceless situation of the town of New Haven, and borough of Bridgeport, I have thought proper, by the advice of the Council, to order into service six hundred men, for the protection of these places.

The general officer of the United States, located at New London, has been advised of this procedure, and has also been requested to cause the troops to be duly mustered and supplied.

He admits the propriety of the measure, but,

as I understand, refuses to comply with the request, and on grounds which, in my view, are wholly inadmissible.

It is my duty, sir, to inform you of these circumstances, and to express the assurance I feel that you will order the requisite supplies to be immediately furnished.

Extract of a letter from his Excellency John Cotton Smith to the Secretary of War, dated

STATE OF CONNECTICUT,
Hartford, Sept. 14, 1814.

I am informed the agent of the United States, at New London, has refused any further subsistence to the militia now on duty in that vicinity, upon the unfounded pretext, that they are withdrawn from service by my authority. Unwilling to hazard the safety of those posts, and the national property in the river, by disbanding the troops, I have directed the Commissary General of the State to provide for them, until the pleasure of the President shall be known.

You will perceive the importance, sir, of apprising me, without delay, whether the agent is to be countenanced in the course he has thought proper to adopt; and, also, how far I am to rely on the General Government for assistance, in the necessary defence of the State.

[NOTE.—A letter was written to the Governor of Connecticut, in reply to these letters to the Department of War, to the same effect with that to the Governor of Massachusetts, of September 14, 1814.]

Copy of a letter from James Monroe, Secretary of War, to his Excellency John C. Smith, Governor of Connecticut, dated

OCTOBER 17, 1814.

SIR: I have had the honor to receive your Excellency's communication of —. The letters mentioned in it had been before received.

The regulations of this Department, in conformity to the laws of the United States, having designated commands for different grades of general officers of the militia—two thousand men for a Brigadier General—and General Cushing not having called for more than two thousand men at any time, and there not being more than that number of militia in the field, it was thought that the command of them ought not to be committed to a Major General of the militia.

The tendency of such an arrangement would be to take the force assembled for the defence of the military district, No. 2, out of the hands of the officer to whom the President had intrusted it. It was on this principle that my letter to your Excellency, of the 17th of September, was addressed, and with intention to explain the principles on which the arrangements of this Government were made, for the defence of every part of the United States; which explanation I gave on a belief that it would be satisfactory, and that it was particularly my duty to give it at this very important crisis of our affairs.

The Militia.

It is, however, distinctly to be understood that, if the whole quota assigned to Connecticut had been called into service, it would have been proper to have committed the command to a Major General of the militia, who, in cases where he and a Brigadier General of the Army of the United States acted together, would take the command of him. I have the honor to be, &c.

Copy of a letter from T. H. Cushing, Brigadier General, to the Secretary of War, dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, September 12, 1814.

SIR: The enclosed copies, marked (a) (b) (c) and (d) will show you the situation in which I am placed, with respect to the militia in the State of Connecticut, and that it will be impossible for me to repel any attack of the enemy within its limits, not directed against the forts in this harbor, or the very small and inconsiderable battery in the neighborhood of New Haven.

The letter of Governor Smith was delivered to me yesterday morning, by the Aid of Major General Taylor. I inquired whether his General had been ordered into service by the Government of the United States, and assured him, if this was the case, I would, most cheerfully, resign to him, not only the command of the draughted militia, but of this military district. He replied that General Taylor had no such orders; but that he had been ordered by Governor Smith to take command of the draughted militia of Connecticut, in the service of the United States, and would immediately assume the command, and issue his orders agreeably to the Governor's instructions.

Finding that the usual report of the brigade was not furnished by Brigadier General Lusk, I sent for him to inquire the reason for this neglect, and to admonish him of the consequences which would ensue, in the event of his failing to discharge the duties of his station, as an officer in the service of the United States, and, as such, not accountable to Governor Smith, or any of his militia Generals.

The Brigadier requested a short time to make up his mind, as to the course he should pursue; and I heard nothing more from him until two o'clock this day, when his answer to my note was received, and the enclosed district order immediately issued.

I understand that General Taylor is making arrangements for the supply of Lusk's brigade at this place, and in its neighborhood; and it will readily occur to you that the power to call militia into service, vested in me by the President's proclamation, cannot be exercised to any beneficial result, since, the moment such militia shall have assembled, in pursuance of my requisition, they will be taken from me by State authorities.

I have the honor to be, sir, your most obedient servant,

T. H. CUSHING.

THE HON. JAMES MONROE,
Secretary of War.

(a.)

Copy of a letter from his Excellency John Cotton Smith, Governor of the State of Connecticut, to Brigadier General Cushing, dated

HARTFORD, Sept. 9, 1814.

SIR: Conformably to the original arrangement, Major General Taylor now goes to take the command of the militia on duty at New London and its vicinity.

He will retain or reduce their present number, according to existing circumstances. Upon this and other subjects, connected with the safety of those posts, he is instructed, and will be disposed to confer with you freely, and to promote, by all means in his power, that concert of operation on which the success of the service must essentially depend.

(b.)

Extract of a letter from Brigadier General Cushing to Brigadier General Lusk, commanding militia, dated

MIL. DIST., No. 2, HEADQUARTERS,
New London, Sept. 12, 1814.

SIR: The usual reports of the brigade of draughted militia under your command, in the service of the United States, were not delivered to the Adjutant General of the district yesterday, and report says that you have received, and are acting under, the orders of a militia officer, not in the service of the United States.

It has, therefore, become necessary that you assign a reason, in writing, for withholding your reports, and contradict or admit the fact of your having received, and actually executing, the orders of an officer not in the service of the United States.

(c.)

Copy of a letter from Brigadier General Lusk, of the militia, to Brigadier General Cushing, dated

NEW LONDON, Sept. 12, 1814.

SIR: I have the honor to acknowledge the receipt of your note of this morning. The following is an extract of the order of his Excellency the Captain General, dated the 28th of July, 1814:

"The troops thus detached, are to be completely armed and equipped according to law, and, until otherwise directed, will be held in readiness to march at a moment's warning, for the purpose of repelling invasions of the enemy, under such orders as they shall receive from the Commander-in-Chief."

The following is an extract of a letter of instruction to me, from Governor Smith, dated Sharon, 11th August, 1814:

"You will inform General Cushing, by letter, of your state of readiness, and take his directions as to the route, and place or places of destination, and to conform to his instructions, until the arrival of Major General Taylor, who will take the command as soon as his health and the necessary arrangements will permit."

In addition to the above, Major General Taylor issued his orders to me, under date of the 11th

The Militia.

of September, 1814, directing me to discontinue calling at the office of the Commanding General of the district for orders, and to obey no orders excepting such as shall be issued under the authority of this State.

He has also required of me regularly to make report to him of the forces under my command.

From a perusal of the foregoing extracts, you will readily infer the only answer to your interrogations which I have the power to make.

(d.)

Copy of District Orders, dated
MIL. DIST., No. 2, HEADQUARTERS,
New London, Sept. 12, 1814.

The brigade of draughted militia from the State of Connecticut having been withdrawn from the service of the United States by his Excellency Governor Smith; and Brigadier General Lusk, the commanding officer of the said brigade, having refused to receive and obey the orders of the Brigadier General commanding this military district, no further supplies of any description are to be delivered to him, or his brigade, for and on account of the United States, without an express written order from the Brigadier General commanding, or from his superior officer, actually in the service of the United States.

By order of the Commanding General.
P. P. SCHUYLER,
Adjutant General.

Copy of a letter from his Excellency William Jones to the Secretary of War, dated

PROVIDENCE, April 22, 1812.

SIR: I have had the honor to receive your letter, under date of the 15th instant, requiring me to take effectual measures to detach five hundred of the militia of Rhode Island, and that they be armed and equipped for actual service within the shortest period that circumstances will permit.

The General Assembly of this State will be in session in a few days, when I shall embrace the earliest opportunity to lay the request before them.

Copy of a letter from his Excellency William Jones to the Secretary of War, dated

PROVIDENCE, June 18, 1812.

SIR: Your communication of the 12th instant came to hand by last evening's mail; and, in reply, permit me to state that, for the quota of militia required by the act of Congress of April 10, 1812, the General Assembly of this State, at their session, in May last, ordered a return of our militia made on or before the 4th of July next, and that therefrom a draught of the number required will be made, as soon as practicable, and ready for service.

Extract of a letter from his Excellency William Jones to the Secretary of War, dated

PROVIDENCE, Aug. 22, 1812.

I have not been able to obtain an entire return of the men draughted, as this State's quota of

militia, alluded to in my last, until the 11th instant. It is now done, and the detachment organized, as per enclosed roll, and will be held in readiness to act, when, *in my opinion*, any of the exigencies provided for by the Constitution, and referred to by the late act of Congress, under which they are detached, exists, agreeably to the opinion and advice of the Council of this State, given me on the occasion.

Extract of a letter from his Excellency William Jones, Governor of the State of Rhode Island, to the President of the United States, dated

PROVIDENCE, June 29, 1814.

The views of the General Assembly, the Council of War, and myself, will be discovered from the act of Assembly, passed at their late session, a copy of which Mr. Searle will present to you, with whom I request you will make all the necessary arrangements for carrying it into full effect.

He will discuss the subject of his mission fully, and, I trust, to your satisfaction, so that the State will, by the assistance of the United States, be placed in a posture of defence, at least, against the predatory incursions of the enemy.

Extract of a letter from Nathaniel Searle, jr., to the President of the United States, dated

WASHINGTON CITY, July 6, 1814.

The views of the General Assembly, of the Council of War, and of the Governor, will be clearly discovered, in relation to this subject, from an act of the Assembly, passed at their late June session, a copy of which I herewith present.

I beg leave, therefore, in behalf of the State by whose authority I am deputed, to solicit the peculiar attention of the President to her perilous and calamitous situation; to request of him a reimbursement of the expenditures already made, and the prompt provision of a military force for her protection; or that he will furnish, herewith, pecuniary means by which she can place herself in an attitude of defence.

State of Rhode Island and Providence Plantations.

IN GENERAL ASSEMBLY,
June Session, A. D. 1814.

An Act providing for the defence of the State.

Be it enacted by the General Assembly, and by the authority thereof it is enacted. That his Excellency, the Governor, by and with the advice and consent of the Council of War, be and he is hereby authorized and requested to order into immediate service, according to the provisions of the Constitution, and of the laws of the United States, such portion of the militia and chartered companies of this State *as he may think necessary* for the defence of the most exposed parts thereof.

SEC. 2. *And be it further enacted,* That his Excellency, the Governor, may draught or detach

The Militia.

the said militia, and chartered companies *as he may think expedient*; and that any private soldier of the militia, draughted or detached, may furnish an able-bodied man as a substitute.

SEC. 3. *And be it further enacted*, That each and every non-commissioned officer and private soldier shall receive two dollars per month, out of the general treasury, in addition to the pay allowed by the United States.

SEC. 4. *And be it further enacted*, That his Excellency, the Governor, be and he is hereby requested to cause the draughted or detached militia and chartered companies to be relieved as often as the nature of the service will permit.

SEC. 5. *And be it further enacted*, That all process, for the recovery of debt or taxes, against the non-commissioned officers and private soldiers, draughted or detached as aforesaid, shall be stayed during the time they are in service.

SEC. 6. *And be it further enacted*, That his Excellency, the Governor, be authorized and empowered to raise a State corps, and to appoint officers therefor, as soon as the President of the United States consents to receive them into service for the defence of this State; and that the officers appointed as aforesaid be commissioned by his Excellency, the Governor, in the usual manner.

SEC. 7. *And be it further enacted*, That his Excellency, the Governor, and Council of War, be authorized and requested to furnish to the towns most exposed, such ordnance, on travelling carriages, and such equipments and ammunition, as they shall think proper; and to furnish the militia with tumbrils for transporting their ammunition.

SEC. 8. *And be it further enacted*, That his Excellency, the Governor, be authorized to draw on the general treasury for any sum not exceeding ten thousand dollars, for the purpose of carrying this act into effect.

A true copy.

Witness:

SAMUEL EDDY,
Secretary.

Extract of a letter from Brigadier General T. H. Cushing to the Secretary of War, dated

MIL. DIST., No. 2, HEADQUARTERS,
Providence, July 21, 1814.

Your letter of the 11th instant, with enclosures, reached me at this place on the evening of the 15th, and on the next morning I had an interview with Governor Jones, who is, at this time, deliberating with his Council as to the mode of selecting the State's quota of five hundred men, which he assures me shall be raised, either by enlistment or draught, in a very few days.

Extract of a letter from his Excellency William Jones, Governor of the State of Rhode Island, to the Secretary of War, dated

PROVIDENCE, August 15, 1814.

Since the arrangement was entered into with you, relative to raising a State corps, rendezvous

have been opened in different parts of the State, officers appointed, and the recruiting service progresses in a manner and with a rapidity that promises success.

Should we be disappointed, however, in raising the number proposed by enlistment, the militia will be detached to make up the deficiency, for the defence of the State, according to the invitation of the President of the United States of the 4th of July last.

Extract of a letter from his Excellency William Jones, Governor of the State of Rhode Island, to the Secretary of War, dated

PROVIDENCE, Sept. 8, 1814.

SIR: I am ready, as I have by letter and through the Adjutant General, Colonel Searle, repeatedly expressed to your department, to call out the militia, and particularly the five hundred men ordered by the President, on the 4th day of July last, as our quota of the ninety-three thousand five hundred men; but we are destitute of almost every necessary for the comfort and subsistence of those men, and for making them effective as soldiers. We are without tents, equipage, and provisions, and have a very inadequate supply of cannon, muskets, and ammunition. I have attempted to raise a corps of five hundred men, to be accepted as substitutes for our quota of the militia. In this I have not yet succeeded, having been able to enlist only about one hundred and fifty men, notwithstanding a bounty was offered by the State. I have also detached four companies of militia for the defence of Newport, who have been called into actual service, one company at a time, and who were agreed to be mustered under the authority of the United States, as appears by the letter of General Armstrong, dated July 9, 1814. Five companies of militia were also called out by General Stanton, of Washington county, to assist in the defence of Stonington, in Connecticut. In the actual state of affairs, the militia must be draughted or detached to make up the five hundred men; and it may very probably be necessary to call out a much larger force; but you must be perfectly sensible of the inefficiency of any force, without further supplies of the munitions of war.

D.

Copy of a letter from his Excellency, William Pennington, Governor of the State of New Jersey, to the Secretary of War, dated

TRENTON, October 29, 1814.

SIR: I am informed that Governor Tompkins, as Governor of the State of New York, has taken command of the third military district of the United States; this district comprehends the principal part of New Jersey, and between two and three thousand Jersey militia are now in actual service in this district, at Sandy Hook, in the State of New Jersey. It might certainly appear, on first view, novel, at least, that a Governor of a State, as such, should have the command of the

The Militia.

militia of a neighboring State, within the actual territory of that State. I am far from entertaining a disposition, especially in the present state of our country, to throw the least obstruction in the way of the operations of the General Government in any measure of defence which it may think proper to adopt, but I conceive it my duty to inquire as to the fact, and the views of the War Department on the subject.

Copy of a letter from James Monroe, Secretary of War, to his Excellency William Pennington, Governor of New Jersey, dated

NOVEMBER 22, 1814.

SIR: I have had the honor to receive your Excellency's letter of the 29th ultimo, requiring information whether Governor Tompkins, as Governor of the State of New York, has been appointed commander of the third military district, comprehending a part of the State of New Jersey. Your Excellency seems to doubt whether the Governor of one State can have command of the militia of another State, within the limits of the latter; and it is to ascertain the views of the General Government on that point that the inquiry has been made.

The patriotic and national sentiments which you have expressed on this subject have afforded much satisfaction to the President, who desires that all the information which you have sought should be fully communicated.

Governor Tompkins has been appointed commander of the military district of the United States, No. 3, by virtue of which his command extends to that part of the State of New Jersey, and to such of her militia, as have been called into the service of the United States within that limit.

The city of New York being menaced by the enemy with a formidable invasion, and the United States not having a regular force to repel it, a large body of the militia were called into their service for the purpose. It was this circumstance which led to the appointment of Governor Tompkins to the command of the military district No. 3, he being, in the opinion of the President, well qualified for the trust.

It is a well established principle, that, when any portion of the militia are called into the service of the United States, the officers commanding it ought to retain their command, and enter with it into that service: a Colonel with his regiment; a Brigadier with his brigade; a Major General with his division. On the same principle, when several divisions of the militia of any State are called into the service of the United States, the Governor of the State may be authorized to take the command of them, he being the highest officer of the militia in the State. In such a case the Governor of a State is viewed in his military character only. He becomes, it is true, the military commander, by virtue of his office as Governor; but every other feature of that character is lost in the service of the United States. They relate to his civil functions, in which the State

alone is interested. The militia of one State, when called into the service of the United States, may be marched into another State. We have seen the militia of Pennsylvania and Virginia serving in Maryland, and of North Carolina in Virginia, with many other examples of a like kind. In all these instances, the militia officers go with their respective corps, and, as such, no discrimination can be made to the exclusion of the Governor of a State, commanding the militia of a State; like other militia officers, he may march with the troops of his State into another State, and retain there his appropriate command, either as commander of the district, or acting under another Governor, to whom the President has already given the command.

Your Excellency will find these principles fully illustrated, and more than fully established, by an example which took place soon after the adoption of the present Constitution. In the year 1794, when President WASHINGTON thought it proper, on the certificate of a judge that an insurrection existed in the western parts of Pennsylvania, to order the militia of other States there, to aid the militia of that State in suppressing it, he committed the command of the whole force to the Governor of a neighboring State, who commanded the Governor of Pennsylvania. The relative rank and command of the Governor employed in the service was settled by the President himself.

In general, it is not desirable to impose on the Governors of States the duty of commanding the militia of their respective States, when called into the service of the United States, where they supersede the officer of the latter, commanding the military district in which such State is, because, as Governors, they have other duties to perform, which might interfere, if they did not conflict, with those incident to such command. A Governor, for example, under the influence of local feeling, might think the danger more imminent than it really was, and call into the service of the United States a greater force than would be necessary. He might even set on foot expeditions which the General Government could not approve. It would be improper that the charges incident thereto should be defrayed by the United States. The Constitution contemplates the exercise of the national authority, in contradistinction to that of the State, whenever the militia of a State are called into the service of the United States. The call must be made by the President, or by his authority, to be obligatory on the nation. If made by the Governor of a State it is the act of the State, and obligatory on it only. These objections, however, to the union of both trusts in the same person, did not apply to the employment of the Governor of New York. All the force necessary for the defence of that State had already been called for, by order of this Government, and put into the service of the United States; and although the Governor is authorized to dismiss a part of the militia, in certain cases, he is instructed not to call out any without a special sanction from this department.

Your Excellency will observe, that the objec-

Capture of the British Fleet on Lake Champlain.

tion to the command of the militia of a State by its Governor, when called into the service of the United States, does not apply except to cases in which the command of the military district of the United States is superseded. In every other case, even in those having that effect, under similar circumstances with that under consideration, such active, patriotic service, by persons so highly intrusted by their country, will be seen by the President with great interest and satisfaction. Its example could not fail to produce the happiest effect.

I have the honor to be, &c.

JAMES MONROE.

Hon. W. PENNINGTON.

CAPTURE OF THE BRITISH FLEET ON LAKE CHAMPLAIN.

[Communicated to the Senate, October 6, 1814.]

NAVY DEPARTMENT, Oct. 3, 1814.

SIR: In compliance with your request I have now the honor to enclose copies of all the documents received from Captain Macdonough, in relation to the brilliant and extraordinary victory achieved by the United States' squadron under his command, over that of the enemy, in Plattsburg Bay, on Lake Champlain.

This action, like that of its prototype on Lake Erie, cannot be portrayed in language corresponding with the universal and just admiration inspired by the exalted prowess, consummate skill, and cool persevering intrepidity, which will ever distinguish this splendid and memorable event.

This, like those brilliant naval victories which preceded it, has its peculiar features, which mark it with a distinct character: It was fought at anchor. The firm, compact, and well-formed line, the preparations for all the evolutions of which the situation was susceptible, and the adroitness and decisive effect with which they were performed in the heat of battle, mark no less the judgment which planned than the valor and skill displayed in the execution.

All these are heightened by the contemplation of a vigorous and greatly superior force moving down upon this line, in his own time, selecting his position, and choosing his distance, animated by the proximity of a powerful army, in co-operation, and stimulated by the settled confidence of victory.

To view it in the abstract, it is not surpassed by any naval victory on record; to appreciate its results, it is perhaps, one of the most important events in the history of our country.

That it will be justly estimated, and the victors duly honored by the Councils of the nation, the justice and liberality hitherto displayed, on similar occasions, is a sufficient pledge.

I have the honor to be, very respectfully, sir, your obedient servant,

W. JONES.

Hon. CHARLES TAIT,
Chairman Naval Committee.

U. S. SHIP SARATOGA,
off Plattsburg, Sept. 11, 1814.

SIR: The Almighty has been pleased to grant us a signal victory on Lake Champlain, in the capture of one frigate, one brig, and two sloops of war, of the enemy.

I have the honor to be, very respectfully, sir, your obedient servant,

T. MACDONOUGH,
Commanding.

Hon. WILLIAM JONES,
Secretary of the Navy.

U. S. SHIP SARATOGA,
At anchor off Plattsburg, Sept. 13, 1814.

SIR: By Lieutenant Commandant Cassin I have the honor to convey to you the flags of His Britannic Majesty's late squadron, captured, on the 11th instant, by the United States' squadron under my command. Also, my despatches relating to that occurrence, which would have been in your possession at an earlier period but for the difficulty in arranging the different statements.

The squadron under my command now lies at Plattsburg: it will bear a considerable diminution, and leave a force sufficient to repel any attempt of the enemy in this quarter. I shall wait your order what to do with the whole or any part thereof; and, should it be consistent, I beg you will favor me with permission to leave the lake, and place me under the command of Commodore Decatur, at New York. My health, (being some time on the lake,) together with the almost certain inactivity of future naval operations here, are among the causes of this request for my removal.

I have the honor to be, sir, with much respect, your most obedient servant,

T. MACDONOUGH.
Hon. WILLIAM JONES,
Secretary of the Navy.

U. S. SHIP SARATOGA,
Plattsburg Bay, Sept. 13, 1814.

SIR: I have the honor to give you the particulars of the action which took place on the 11th instant on this lake.

For several days the enemy were on their way to Plattsburg by land and water, and it being understood that an attack would be made at the same time by their land and naval forces, I determined to await at anchor the approach of the latter.

At 8 A. M. the lookout boat announced the approach of the enemy. At 9, he anchored in a line ahead, at about three hundred yards distance from my line; his ship opposed to the Saratoga, his brig to the Eagle, Captain Robert Henley, his galleys, thirteen in number, to the schooner, sloop, and a division of our galleys; one of his sloops assisting their ship and brig, the other assisting their galleys; our remaining galleys with the Saratoga and Eagle. In this situation, the whole force, on both sides, became engaged, the

Capture of the British Fleet on Lake Champlain.

Saratoga suffering much from the heavy fire of the *Confiance*. I could perceive, at the same time, however, that our fire was very destructive to her. The *Ticonderoga*, Lieutenant Commandant Cassin, gallantly sustained her full share of the action. At half past ten o'clock, the *Eagle*, not being able to bring her guns to bear, cut her cable, and anchored in a more eligible position, between my ship and the *Ticonderoga*, where she very much annoyed the enemy, but unfortunately leaving me exposed to a galling fire from the enemy's brig. Our guns on the starboard side being nearly all dismantled or not manageable, a stern anchor was let go, the bower cable cut, and the ship winded, with a fresh broadside on the enemy's ship, which soon after surrendered. Our broadside was then sprung to bear on the brig, which surrendered in about fifteen minutes after.

The sloop that was opposed to the *Eagle* had struck some time before, and drifted down the line; the sloop which was with their galleys having struck also; three of their galleys are said to be sunk, the others pulled off. Our galleys were about obeying, with alacrity, the signal to follow them, when all the vessels were reported to me to be in a sinking state; it then became necessary to annul the signal to the galleys, and order their men to the pumps.

I could only look at the enemy's galleys going off in a shattered condition, for there was not a mast in either squadron that could stand to make sail on; the lower rigging, being nearly all shot away, hung down as though it had been just placed over the mast heads.

The *Saratoga* had fifty-five round shot in her hull; the *Confiance* one hundred and five. The enemy's shot passed principally just over our heads, as there were not twenty whole hammocks in the nettings at the close of the action, which lasted, without intermission, two hours and twenty minutes.

The absence and sickness of Lieutenant Raymond Perry, left me without the services of that excellent officer. Much ought fairly to be attributed to him for his great care and attention in disciplining the ship's crew, as her first lieutenant. His place was filled by a gallant young officer, Lieutenant Peter Gamble, who, I regret to inform you, was killed early in the action. Acting Lieutenant Vallette worked the first and second divisions of guns, with able effect. Sailingmaster Brum's attention to the springs, and in the execution of the order to wind the ship, and occasionally at the guns, meets with my entire approbation; also Captain Young's, commanding the acting marines, who took his men to the guns. Mr. Beale, purser, was of great service at the guns, and in carrying my orders throughout the ship, with Midshipman Montgomery. Master's Mate Joshua Justin had command of the third division; his conduct during the action was that of a brave and correct officer. Midshipmen Monteath, Graham, Williamson, Platt, Twing, and acting midshipman Baldwin, all behaved well, and gave evidence of their making valuable officers.

The *Saratoga* was twice set on fire by hot shot from the enemy's ship.

I close, sir, this communication with feelings of gratitude for the able support I received from every officer and man attached to the squadron which I have the honor to command.

I have the honor to be, with great respect, sir, your most obedient servant,

T. MACDONOUGH.

HON. WILLIAM JONES,
Secretary of the Navy.

P. S. Accompanying this is a list of killed and wounded, a list of prisoners, and a precise statement of both forces engaged. Also letters from Captain Henley and Lieutenant Commandant Cassin.

U. S. SHIP *SARATOGA*, Sept. 13, 1814.

SIR: I have the honor to enclose you a list of the killed and wounded on board the different vessels of the squadron under your command in the action of the 11th instant.

It is impossible to ascertain correctly the loss of the enemy. From the best information received from the British officers, from my own observations, and from various lists found on board the *Confiance*, I calculate the number of men on board of that ship, at the commencement of the action, at two hundred and seventy, of whom one hundred and eighty at least were killed and wounded, and on board the other captured vessels at least eighty more, making in the whole, killed and wounded, two hundred and sixty. This is, doubtless, short of the real number, as many were thrown overboard from the *Confiance* during the engagement.

The muster books must have been thrown overboard, or otherwise, disposed of, as they are not to be found.

I am, sir, respectfully, your obedient servant,
GEO. BEALE, Jr., *Purser.*

THOMAS MACDONOUGH, Esq.,
*Commanding U. S. squadron
on Lake Champlain.*

Return of killed and wounded on board the United States squadron on Lake Champlain, in the engagement with the British fleet, on the 11th of September, 1814.

SHIP *SARATOGA*.

Killed—Peter Gamble, lieutenant; Thomas Butler, quarter gunner; James Norberry, boatswain's mate; Abraham Davis, quartermaster; William Wyer, sailmaker; William Brickell, seaman; Peter Johnson, ditto; John Coleman, ditto; Benjamin Burrill, ordinary seaman; Andrew Parmlee, ditto; Peter Post seaman; David Bennett, ditto; Ebenezer Johnson, ditto; Joseph Couch, landsman; Thomas Stephens, seaman; John White, ordinary seaman; Randall McDonald, ditto; Samuel Smith, seaman; Thomas Malony, ordinary seaman; Andrew Nelson, seaman; John Sellack, ditto; Peter Hanson, ditto; Jacob Laraway, ditto; Edward Moore, ditto; Jerome

Capture of the British Fleet on Lake Champlain.

Williams, ordinary seaman; James Carlisle, marine; John Smart, seaman.

Wounded—James M. Baldwin, acting midshipman; Joseph Barron, pilot; Robert Gary, quarter-gunner; George Cassin, quartermaster; John Hollingsworth, seaman; Purnall Smith, ditto; Thomas Robinson, ditto; John Ottiwell, ditto; John Thompson, ordinary seaman; William Tabee, ditto; William Williams, ditto; John Roberson, seaman; John Towns, landsman; John Shays, seaman; John S. Hammond, ditto; James Barlow, ditto; James Nagle, ordinary seaman; John Lanman, seaman; Peter Colberg, ditto; William Newton, ordinary seaman; Neil J. Heidmont, seaman; James Steward ditto; John Adams, landsman; Charles Ratche, seaman; Benjamin Jackson, marine; Jesse Vanhorn, ditto; Joseph Ketter, ditto; Samuel Pearson, ditto.

BRIG EAGLE.

Killed—Peter Vandermere, master's mate; Jno. Ribero, seaman; Jacob Lindman, ditto; Perkins Moore, ordinary seaman; James Winship, ditto; Thomas Anwright, ditto; Nace Wilson, ditto; Thomas Lewis, boy; John Wallace, marine; Joseph Heaton, ditto; Robert Stratton, ditto; James M. Hale musician; John Wood, ditto.

Wounded—Joseph Smith, lieutenant; William A. Spencer, acting lieutenant; Francis Breeze, master's mate; Abraham Waters, pilot; William C. Allen, quartermaster; James Duick, quarter-gunner; Andrew McEwen, seaman; Zebediah Concklin, ditto; Joseph Valentine, ditto; John Hartley, ditto; John Miclin, ditto; Robert Buckley, ditto; Purnell Boice, ordinary seaman; Aaron Fitzgerald, boy; John N. Craig, seaman; John McKenney, ditto; Matthew Scriber, marine; George Mainwaring, ditto; Henry Jones, ditto; John McCarty, ditto.

SCHOONER TICONDEROGA.

Killed—John Stansbury, lieutenant; John Fisher, boatswain's mate; John Atkinson, ditto; Henry Johnson, seaman; Deodorick Think, marine; John Sharp, ditto.

Wounded—Patrick Cassin, seaman; Ezekiel Goud, ditto; Samuel Sawyer, ditto; William Le Count, ditto; Henry Collins, ditto; John Condon, marine.

SLOOP PREBLE.

Killed—Rogers Carter, acting sailingmaster; Joseph Rowe, boatswain's mate.

Wounded—None.

GUNBOAT BORER.

Killed—Arthur W. Smith, purser's steward; Thomas Gill, boy; James Day, marine.

Wounded—Ebenezer Cobb, corporal marines.

GUNBOAT CENTIPEDE.

Wounded—James Taylor, landsman.

GUNBOAT WILMER.

Wounded—Peter Frank, seamen.

GUNBOATS.

Nettle, Allen, Viper, Burrows, Ludlow, Aylwyn, Ballard.—None killed or wounded.

RECAPITULATION.

					Killed.	Wounded.
Saratoga	-	-	-	-	28	29
Eagle	-	-	-	-	13	20
Ticonderoga	-	-	-	-	6	6
Preble	-	-	-	-	2	00
Borer	-	-	-	-	3	1
Centipede	-	-	-	-	00	1
Wilmer	-	-	-	-	00	1
Total	-	-	-	-	52	58

GEORGE BEALE, Jr. Purser.

Approved: T. MACDONOUGH.

List of Prisoners captured on the 11th September, and sent to Greenbush.

OFFICERS—Daniel Pring*, Captain; Creswick, Lieutenant; Robinson, ditto; Drew, ditto; McGhie, ditto; Hornby, ditto; Childs, ditto, marines; Fitzpatrick, ditto, 39th regiment; Bryden, sailingmaster; Clark, master's mate; Simmonds, ditto; Todd, surgeon; Giles, purser; Guy, captain's clerk; Dowell, midshipman; Aire, ditto; Bondell, ditto; Toorke, ditto; Kewstra, ditto; Davidson, boatswain; Elvin, gunner; Mickell, ditto; Cox, carpenter; Parker, purser; Martin, surgeon; Mc Cabe, assistant surgeon.

Three hundred and forty seamen.

Forty-seven wounded men paroled.

Statement of the American Force engaged on the 11th September, 1814.

Saratoga, long 24 pounders	8				
42 pound carronades	6				
32 ditto ditto	12				
				Total guns	26
Eagle, 12 32 pound carronades, and 8 long 18 pounders					20
Ticonderoga, long 12 pounders	8				
do. 18 do.	4				
32 pound carronades	5				
					17
Preble, long 9 pounders					7
Ten galleys, viz:					
Allen, one long twenty-four pounder, and one eighteen pound columbiad					2
Burrows, one long twenty-four pounder, and one eighteen pound columbiad					2
Borer, one long twenty-four pounder, and one eighteen pound columbiad					2
Nettle, one long twenty-four pounder, and one eighteen pound columbiad					2
Viper, one long twenty-four pounder, and one eighteen pound columbiad					2
Centipede, one long twenty-four pounder, and one eighteen pound columbiad					2
Ludlow, one long twelve pounder, and one eighteen pound columbiad					1
Wilmer, one long twelve pounder, and one eighteen pound columbiad					1

* On parole.

Capture of the Epervier.

Aylwyn, one long twelve pounder, and one eighteen pound columbiad - - - -	1
Ballard, one long twelve pounder, and one eighteen pound columbiad - - - -	1
Guns - - - - -	86

RECAPITULATION.

Long twenty-four pounders - - -	14
Forty-two pound carronades - - -	6
Thirty-two pound carronades - - -	29
Long eighteen pounders - - -	12
Long twelve pounders - - -	12
Long nine pounders - - -	7
Eighteen pound columbiads - - -	6
Total guns - - - - -	86

*Statement of the Enemy's Force engaged on the 11th
September, 1814.*

Frigate Confiance, long 24 pounders - - - -	27
32 pound carronades - - -	4
24 do. - - -	6
long 18 pounders on berth deck - - - -	2
Total guns 39	
Brig Linnet, long 12 pounders - - -	16
†Sloop Chub, 18 pound car- ronades - - - -	10
long 6 pounder - - -	1
39	
†Sloop Finch, 18 pound car- ronades - - - -	6
18 pound columbiad - - -	1
long 6 pounders - - -	4
11	

Thirteen galleys, viz:

Sir James Yeo, one long twenty-four pounder, and one thirty-two pound carronade - - -	2
Sir George Prevost, one long twenty-four pounder, and one thirty-two pound carro- nade - - - -	2
Sir Sidney Beckwith, one long twenty-four pounder, and one thirty-two pound carro- nade - - - -	2
Broke, one long eighteen pounder, and one thirty-two pound carronade - - -	2
Murray, one long eighteen pounder, and one eighteen pound carronade - - -	2
Wellington, one long eighteen pounder - - -	1
Tecumseh, one long eighteen pounder - - -	1
Name unknown, one long eighteen pounder - - -	1
Drummond, one thirty-two pound carronade - - -	1
Simcoe, one thirty-two pound carronade - - -	1
Unknown, one thirty-two pound carronade - - -	1
Unknown, one thirty-two pound carronade - - -	1
Unknown, one thirty-two pound carronade - - -	1
Total - - - - -	95

† These sloops were formerly the United States' Growler and Eagle.

RECAPITULATION.

Long twenty-four pounders - - -	30
Long eighteen pounders - - -	7
Long twelve pounders - - -	16
Long six pounders - - -	5
Thirty-two pound carronades - - -	13
Twenty-pound carronades - - -	6
Eighteen pound carronades - - -	17
Eighteen pound columbiad - - -	1
Total guns - - - - -	95

THOMAS MACDONOUGH.

UNITED STATES' BRIG EAGLE,
Plattsburg, Sept. 12, 1814.

SIR: I am happy to inform you that all my officers and men acted bravely, and did their duty in the battle of yesterday with the enemy.

I shall have the pleasure of making a more particular representation of the respective merits of my gallant officers to the honorable the Secretary of the Navy.

I have the honor to be, respectfully, sir, your most obedient servant,

ROBERT HENLEY.

P. S.—We had thirty-nine round shot in our hull, (mostly twenty-four pounders,) four in our lower masts, and we were well peppered with grape.

I enclose my boatswain's report. R. H.

U. S. SCHOONER TICONDEROGA,
Plattsburg Bay, Sept. 12, 1814.

SIR: It is with pleasure I state that every officer and man under my command did their duty yesterday. Yours, respectfully,

STEPHEN CASSIN, Lt. Comdt.

Com. T. MACDONOUGH.

U. S. SHIP SARATOGA,
Off Plattsburg, Sept. 15, 1814.

SIR: As Providence has given into my command the squadron on Lake Champlain, of which you were (after the fall of Captain Downie) the commanding officer, I beg you will, after the able conflict you sustained, and evidence of determined valor you evinced, on board His Britannic Majesty's brig Linnet, until the necessity of her surrender, accept of your enclosed parole, not to serve against the United States, or their dependencies, until regularly exchanged. I am, &c.

THOMAS MACDONOUGH.

Captain PRING, Royal Navy.

CAPTURE OF THE EPERVIER.

[Communicated to the Senate, on the 10th of October 1814.]

NAVY DEPARTMENT, October 3, 1814.

SIR: Agreeably to your request I have the honor to enclose copies of the official account and

Capture of the Epervier.

other papers relating to the capture of the enemy's sloop of war *Epervier*, on the 29th April last, by the United States sloop of war *Peacock*, commanded by Captain Warrington.

If the relative force, and comparative effect of the fire of the combatants, and the speedy termination of the contest, though protracted by the early loss of the *Peacock's* fore yard, be taken as the criterion, then does it display a steady valor and superior skill on the part of the commander, officers, and crew, of the *Peacock*, which may fairly challenge any single action on record.

I have the honor to be, very respectfully, sir, your obedient servant,

W. JONES.

HON. CHARLES TAIT,
Chairman Naval Committee.

U. S. SLOOP *PEACOCK*, AT SEA.
Lat. 27° 47' Long. 80° 9' April 29, 1814.

SIR: I have the honor to inform you that we have this morning captured, after an action of forty-two minutes, His Britannic Majesty's brig *Epervier*, rating and mounting eighteen thirty-two pound carronades, with one hundred and twenty-eight men, of whom eight were killed and fifteen wounded, (according to the best information we could obtain.) Among the latter is her first lieutenant, who has lost an arm and received a severe splinter wound on the hip. Not a man in the *Peacock* was killed, and only two wounded, neither dangerously so.

The fate of the *Epervier* would have been determined in much less time but for the circumstance of our fore yard being totally disabled by two round shot, in the starboard quarter, from her first broadside, which entirely deprived us of the use of our fore and fore-topsails, and compelled us to keep the ship large throughout the remainder of the action. This, with a few topmast and topgallant back-stays cut away, and a few shot through our sails, is the only injury the *Peacock* has sustained. Not a round shot touched our hull; our masts and spars are as sound as ever. When the enemy struck, he had five feet water in his hold, his main topmast was over the side, his main boom shot away, his foremast cut nearly in two, and tottering, his fore rigging and stays shot away, his bowsprit badly wounded, and forty-five shot holes in his hull, twenty of which were within a foot of his water line above and below. By great exertions, we got her in sailing order just as dark came on.

In fifteen minutes after the enemy struck, the *Peacock* was ready for another action, in every respect but her fore-yard, which was sent down, fished, and had the fore-sail set again in forty-five minutes. Such was the spirit and activity of our gallant crew.

The *Epervier* had under her convoy an English hermaphrodite brig, a Russian and Spanish brig; which all hauled their wind, and stood to the E. N. E. I had determined upon pursuing the former, but found that it would not answer to leave our prize in her then crippled state, and the

more particularly so, as we found she had one hundred and twenty thousand dollars in specie, which we soon transferred to this sloop. Every officer, seaman, and marine, did his duty, which is the highest compliment I can pay them.

I am, respectfully,

L. WARRINGTON.

SAVANNAH, May 4, 1814.

SIR: I have great satisfaction in being able to report to you the arrival of the *Peacock* at this anchorage to-day, and also the arrival of the *Epervier* on Monday last.

I have now to detail to you the reason of our separation. We made sail, as mentioned in my last, on the evening of the 29th. The next afternoon we were, at half past five, abreast the centre of Amelia island, with the vessel in sight over the land, when two large ships, which had been some time previous a little to the northward of the island, were clearly ascertained to be frigates, and in chase of us. In this situation, at the suggestion of Lieutenant Nicholson, I took out all but himself and sixteen officers and men, and stood to the southward along shore on a wind, leaving him to make the best of his way for St. Mary's; which place I felt confident he would reach, as the weather frigate was in chase of the *Peacock*, and the other was too far to leeward to fetch him. At nine we lost sight of the chaser, but continued standing all night to the southward, in hopes to get entirely clear of him. At daylight we shortened sail and stood to the northward, and again made the frigate ahead, who gave chase a second time, which he continued until two P. M., when, finding, he could not come up, he desisted. In the evening we resumed our course, and saw nothing until daylight on Tuesday morning, when a large ship (supposed to be the same) was again seen in chase of us, and was again run out of sight.

This morning, at half past three, we made Tybee light, and at half past eight anchored near the United States' ship *Adams*. As the enemy is hovering close to St. Mary's, I concluded that he had received information of, and was waiting to intercept us. Accordingly we steered for this place, where we received intelligence of the *Epervier's* arrival, after frightening off a launch which was sent from the enemy's ship to leeward, on Saturday evening, to cut him off from the land.

From the 1st of April to the 24th, we saw but one neutral and two privateers, both of which we chased without overhauling, although we run one amongst the shoals of Cape Canaveral, and followed him into four fathoms water. We have been to the southward as far as the Great Isaacs; and have cruised from thence to Maranilla reef, and along the Florida shore to Cape Canaveral. Not a single running vessel has been through the Gulf in all this time. The fleet sails from Jamaica under the convoy of a seventy-four, two frigates, and two sloops, from the 1st to the 10th May. They are so much afraid of our cruisers, that several ships in the Havana, ready for sea,

Capture of the Reindeer and other Vessels.

which intended to run it, (as it is called,) were forced to wait the arrival of the convoy from Jamaica.

The Epervier and her convoy were the first English vessels we had seen.

We shall proceed in the further execution of your instructions as soon as we can get a foreyard, provisions, and water.

The Epervier is one of their finest brigs and is well calculated for our service. She sails extremely fast, and will require but little to send her to sea, as her armament and stores are complete.

I enclose you a list of the brig's crew, as accurately as we can get it. I am, respectfully,

L. WARRINGTON.

Hon. SECRETARY of the Navy.

UNITED STATES SHIP PEACOCK,
Savannah, May 5, 1814.

SIR: As my letter of yesterday was too late for the mail, I address you again, in the performance of a duty which is pleasing and gratifying to me in a high degree, and is but doing justice to the merits of the deserving officers under my command, of whom I have hitherto refrained from speaking, as I considered it most correct to make it the subject of a particular communication.

To the unwearied and indefatigable attention of Lieutenant Nicholson, (first,) in organizing and training the crew, the success of this action is, in a great measure, to be attributed. I have confided greatly in him, and have never found my confidence misplaced; for judgment, coolness, and decision, in times of difficulty, few can surpass him. This is the second action in which he has been engaged this war, and in both he has been successful. His greatest pride is to earn a commander's position, by fighting for instead of heir-ing it.

From Lieutenant Henley, (second,) and Lieutenant Voorhees, (acting third, who has also been twice successfully engaged,) I received every assistance that zeal, ardor, and experience, could afford.

The fire from their two divisions was terrible, and directed with the greatest precision and coolness. In Sailingmaster Percival, whose great wish and pride it is to obtain a lieutenant's commission, and whose unremitting and constant attention to duty, added to his professional knowledge, entitles him to it, in my opinion, I found an able as well as willing assistant. He handled the ship as if he had been working her into a roadstead. Mr. David Cole, acting carpenter, I have also found such an able and valuable man in his occupation, that I must request, in the most earnest manner, that he may receive a warrant: for I feel confident that, to his uncommon exertion, we, in a great measure, owe the getting of our prize into port. From 11 A. M. until 6 P. M. he was over her side, stopping shot holes, on a grating; and when the ordinary resources failed of success, his skill soon supplied him with efficient ones. Mr. Philip Myers, master's mate, has also conducted himself in such a manner as to war-

rant my recommendation of him as a master; he is a seaman, navigator, and officer, his family in New York is respectable, and he would prove an acquisition to the service. My clerk, Mr. J. S. Townsend, is anxious to obtain, through my means, a midshipman's warrant, and has taken pains to qualify himself for it, by volunteering, and constantly performing a midshipman's duty; indeed I have but little use for a clerk, and he is as great a proficient as any of the young midshipmen; the whole of whom behaved in a manner that was pleasing to me, and must be gratifying to you, as it gives an earnest of what they will make in time. Three only have been to sea before, and one only in a man of war, yet were they as much at home, and as much disposed to exert themselves, as any officer of the ship. Lieutenant Nicholson speaks in high terms of the conduct of Messrs. Greeves and Rodgers, midshipmen, who were in the prize with him.

I have the honor to be, sir, respectfully, your obedient servant,

L. WARRINGTON.

Hon. WILLIAM JONES,
Secretary of the Navy.

CAPTURE OF THE REINDEER AND OTHER VESSELS, BY THE WASP.

[Communicated to the Senate, October 17, 1814.]

COMMITTEE ROOM, Oct. 13, 1814.

SIR: In order that Congress may proceed in the agreeable duty of bestowing suitable honors and rewards on those gallant men whose noble achievements have already so signally distinguished themselves and their country during this war, I am directed by the Committee on Naval Affairs, on the part of the Senate of the United States, to request that you will transmit all the information in possession of the Navy Department, relating to the capture of the British sloop of war Reindeer by the American sloop of war Wasp.

I have the honor to be, &c.

C. TAIT, *Chairman.*

Hon. WM. JONES,
Secretary of the Navy.

NAVY DEPARTMENT, Oct. 15, 1814.

SIR: I have the honor to enclose copies of the documents received at this Department from the Commander of the United States sloop of war Wasp, relative to the capture and destruction of the enemy's sloop of war Reindeer, on the 28th of June last, after a brilliant action of nineteen minutes, which was terminated by boarding, in gallant and decisive style, having repulsed the enemy in repeated and vigorous attempts to board the Wasp. All that skill and valor could do was done quickly, and less it was certain would not be done. I am, very respectfully, &c.

W. JONES.

Hon. CHARLES TAIT,
Chairman Naval Committee.

*Capture of the Reindeer and other Vessels.*UNITED STATES SHIP WASP,
L'Orient, July 8, 1814.

SIR: I have the honor to announce to you the arrival of this ship to-day at this place. By the pilot who carried us out of Portsmouth, N. H., I had the satisfaction to make you acquainted with our having left that place, and again had the pleasure of addressing you by the French national brig Olive, and which was the first vessel we had spoken since our departure from the United States. From the time of our sailing I continued to follow the route pointed out in your instructions until our arrival at this place, during which we have been so fortunate as to make several captures, a list of which will accompany this. These, with their cargoes, were wholly destroyed, with one exception; this was the galliot Henrietta, which was permitted to return with the prisoners, thirty-eight in number, after throwing overboard the greater part of her cargo, leaving only a sufficiency to ballast her. When arrived on our cruising ground, I found it impossible to maintain anything like a station, and was led in chase farther up the English Channel than was intended. After arriving on soundings, the number of neutrals which are now passing us kept us almost constantly in pursuit. It gives me much pleasure to state to you the very healthy condition of the crew of the Wasp during the cruise; sometimes without one on the sick list, and at no time any who remained there more than a few days. Great praise is due to Dr. Clark for his skill and attention at all times, but particularly after the action with the Reindeer; his unwearied assiduity to the necessities of the wounded was highly conspicuous.

The ship is at present under quarantine, but we expect to be released from it to-morrow, when the wounded will be sent to the hospital, and every exertion made to prepare the Wasp for sea.

I have the honor to be, &c.

J. BLAKELEY.

HON. WILLIAM JONES.

UNITED STATES SHIP WASP,
L'Orient, July 8, 1814.

SIR: On Tuesday, the 28th ultimo, being in latitude 48° 36' North and longitude 11° 15' West, we fell in with, engaged, and after an action of nineteen minutes captured, His Britannic Majesty's sloop of war the Reindeer, William Manners, Esq., commander. Annexed are the minutes of our proceedings on that day, prior to, and during the continuance of, the action.

Where all did their duty, and each appeared anxious to excel, it is very difficult to discriminate. It is, however, only rendering them their merited due, when it is declared of Lieutenant Reilly and Barry, first and third of this vessel, and whose names will be found among those of the conquerors of the Guerriere and the Java, and of Mr. Tillinghast, second Lieutenant, who was greatly instrumental in the capture of the Boxer, that their conduct and courage, on this occasion, fulfilled the highest expectation, and gratified

every wish. Sailingmaster Carr is also entitled to great credit for the zeal and ability with which he discharged his various duties.

The cool and patient conduct of every officer and man, while exposed to the fire of the shifting gun of the enemy, and without an opportunity of returning it, could alone be equalled by the animation and ardor exhibited when actually engaged, or by the promptitude and firmness with which every attempt of the enemy to board was met and successfully repelled. Such conduct may be seen, but cannot well be described.

The Reindeer mounted sixteen twenty-four pound carronades, two long six or nine pounders, and a shifting twelve pound carronade; with a complement on board of one hundred and eighteen men; her crew were said to be the pride of Plymouth.

Our loss in men has been severe, owing, in part, to the proximity of the two vessels, and the extreme smoothness of the sea, but chiefly in repelling boarders. That of the enemy, however, was infinitely more so, as will be seen by the list of killed and wounded on both sides.

Six round shot struck our hull, and many grape, which did not penetrate far. The foremast received a twenty-four pound shot, which passed through its centre, and our rigging and sails were a good deal injured.

The Reindeer was literally cut to pieces, in a line with her ports; her upper works, boats, and spare spars, were one complete wreck. A breeze springing up next afternoon, her foremast went by the board.

Having received all the prisoners on board, which, from the number of the wounded, occupied much time, together with their baggage, the Reindeer was, on the evening of the 29th, set on fire, and in a few hours blew up.

I have the honor to be, very respectfully, your most obedient servant,

J. BLAKELEY.

HON. WILLIAM JONES,
Secretary of the Navy.

Minutes of the action between the United States ship Wasp and His Britannic Majesty's ship Reindeer, on the 28th June, 1814. Latitude 48° 36' North, Longitude 11° 15' West.

At four A. M. light breezes and cloudy. At a quarter after four discovered two sail, two points before the lee beam; kept away in chase; shortly after discovered one sail on the weather beam, altered the course, and hauled by the wind, in chase of the sail to windward. At eight the sail to windward bore E. N. E., wind very light; at ten the strange sail, bearing E. by N., hoisted an English ensign and pennant, and displayed a signal at the main (blue and yellow diagonally.) Meridian, light airs and cloudy; at a quarter past twelve P. M. the enemy showed a blue and white flag, diagonally, at the fore, and fired a gun; one hour fifteen minutes called all hands to quarters, and prepared for action; one hour twenty-two minutes, believing we could weather the enemy,

Capture of the Reindeer and other Vessels.

tacked ship, and stood for him; one hour fifty minutes, the enemy tacked ship and stood from us; one hour fifty-six minutes hoisted our colors, and fired a gun to windward, which was answered by the enemy with another to windward; two hours twenty minutes, the enemy still standing from us, set the royals; two hours twenty-five minutes set the flying jib; two hours twenty-nine minutes set the upper staysails; two hours thirty-two minutes, the enemy having tacked for us, took in the staysails; two hours forty-seven minutes furled the royals; two hours fifty-one minutes, seeing that the enemy would be able to weather us, tacked ship; three hours three minutes the enemy hoisted his flying jib; brailed up our mizzen; three hours fifteen minutes the enemy on our weather quarter, distant about sixty yards, fired his shifting gun, a twelve pound carronade, at us, loaded with round and grape shot, from his top-gallant forecastle; three hours seventeen minutes fired the same gun a second time; three hours nineteen minutes fired it a third time; three hours twenty-one minutes fired a fourth time; three hours twenty-four minutes a fifth shot, all from the same gun. Finding the enemy did not get sufficiently on the beam to enable us to bring our guns to bear, put the helm a lee, and at twenty-six minutes after three commenced the action with the after carronade, on the starboard side, and fired in succession; three hours thirty-five minutes hauled up the mainsail; three hours forty minutes, the enemy having his larboard bow in contact with our larboard quarter, endeavored to board us, but was repulsed in every attempt; at three hours forty-four minutes orders were given to board in turn, which were promptly executed, when all resistance immediately ceased; and at three hours forty-five minutes the enemy hauled down his flag.

J. BLAKELEY.

UNITED STATES SHIP WASP,
L'Orient, July 10, 1814.

SIR: After the capture of His Britannic Majesty's sloop of war the Reindeer, it was my wish to have continued the cruise, as directed by you. I was, however, necessitated to relinquish this desire, after a few days, from a consideration for the wounded of our crew, whose wounds had, at this season, become offensive and aggravated, by the number of prisoners on board at the time, being seventy-seven in number. Fearing, from the crowded state of the Wasp, that some valuable lives might be lost if retained on board, I was compelled, though with reluctance, to make the first neutral port. Those belonging to the Reindeer, who were dangerously wounded, were put on board a Portuguese brig, bound to England, three days after the action, and from the winds which prevailed arrived, probably, in two or three days after their departure. Their surgeon, the Captain's clerk, with the Captain's and officers' servants, with the crew of the Orange Boven, were put on board the same vessel, to attend upon them. Since our arrival at this place we have

experienced every civility from the public authorities; our quarantine was only for a few hours; and our wounded, fourteen in number, were yesterday carried to the hospital, where they are very comfortably situated. Our foremast, though badly wounded, can be repaired, and will be taken on shore as soon as possible. All the other damages sustained can be repaired by ourselves.

I have the honor to be, very respectfully, your most obedient servant,

J. BLAKELEY.

HON. WILLIAM JONES,

Secretary of the Navy.

List of Killed and Wounded on board His Britannic Majesty's sloop of war the Reindeer, in action with the United States' sloop of war the Wasp, on the 28th June, 1814.

Killed.—William Manners, Esq., commander; John Thomas Barton, purser; James Humphreys, quartermaster; John Eilly, armorer; Chas. Price, ropemaker; George Gibson, captain mast; Zenas Swift, seaman; George Sorlic, seaman; Samuel Laver, seaman; Bartholomew Johnson, seaman; Thomas Bassett, ordinary seaman; John Isles, ordinary seaman; Robert Smith, ordinary seaman; James Foreman, ordinary seaman; Patrick Sherry, landsman; John Maguire, landsman; William Lee, landsman; Collisters Glynn, boy, 2d class; Samuel Probert, boy, 2d class; Patrick Sharkey, boy, 2d class; Edward McGrath, boy, 3d class; John Roomer, private; James Allen, private; Thomas Musto, private; John Guest, private.

Wounded.—*Thomas Chambers, first lieutenant, severely; *Richard Johns, master, dangerously; *Ferguson Mason, quartermaster, severely; *Joshua Carson, captain forecastle, severely; *Thomas Williams, captain forecastle, dangerously; *James Candy, landsman, severely; *John Williamson, carpenter's crew, severely; *Thos. Clements, seaman, severely; *Richard Shippard, ordinary seaman, severely; *Joseph Waller, seaman, dangerously; *Robert Tole, seaman, dangerously; *Thomas Horne, seaman, severely; *James Wallace, ordinary seaman, dangerously; *David Livingston, seaman, severely; *Alexander Stupo, ordinary seaman, dangerously; *Thos. Bell, first, ordinary seaman, severely; *Nicholas Birmingham, ordinary seaman, dangerously; *William Williams, boy, second class, dangerously; *John Watley, private, severely; *William Wyley, corporal, severely; *Wm. Gurarty, private, severely; *William Watkins, private, severely; *Thos. Mitchell, boy, third class, severely; *Daniel Byrne, private, severely; *Thomas Marsh, sergeant, not very badly wounded, but permitted to proceed in consequence of the representation. and by the request, of the surgeon of the Reindeer; Matthew Mitchell, master's mate, slightly; Henry Hardiman, midshipman, slightly; James Legg, boatswain, slightly; John Stimson, quartermaster's mate, slightly; William Clark, cook, slightly; John Johnson, carpenter's crew, slightly;

Destruction of Public Books and Papers.

William Bruce, ordinary seaman, slightly; Benjamin Rufus, captain foretop, slightly; John Bramble, seaman, slightly; William Townholm, seaman, slightly; William Caldwell, seaman, dangerously, (since dead;) Archibald Adams, ordinary seaman, dangerously, (since dead;) Richard Hornby, seaman, slightly; Daniel Hart, boy, first class, slightly; William Ratcliff, private, slightly; Thomas Major, private, severely; Richard Butler, captain after guard, slightly.

Killed.—25.

Wounded.—Dangerously 10; severely 17; and slightly 15.

NOTE.—Those marked thus (*) were, in consequence of the severity and extent of their wounds, put on board a Portuguese brig, called the Lisbon Packet, on the third day after the action, to wit, the 1st of July, bound to Plymouth, England.

List of killed and wounded on board the United States' sloop of war the Wasp, Johnston Blakeley, Esq., commander, in action with His Britannic Majesty's sloop-of-war the Reindeer, on the 28th June, 1814.

Killed.—Timothy Stevens, seaman; Thomas Knight, ordinary seaman; Thomas R. Teel, seaman; John Brown, second, ordinary seaman; Joseph Vorse, ordinary seaman.

Wounded.—Henry S. Langdon, midshipman, dangerously; Frank Toscan, midshipman, dangerously; John Sweet, master's mate, slightly; William Thompson, boatswain's mate, severely; John Dick, quartermaster, severely; Nathaniel Scammon, seaman, severely; Jotham Perkins, seaman, dangerously, (since dead;) William Preston, seaman, slightly; Charles Green, dangerously, (since dead;) Charles Clinton, seaman, slightly; Andrew Passenger, seaman, severely; John Rowe, seaman, slightly; Joseph Atkins, seaman, dangerously, (since dead;) Robert Lowther, seaman, slightly; Merrel Roberts, seaman, slightly; Robert Jarvis, ordinary seaman, severely; Henry Herbert, ordinary seaman, dangerously; Simon Cassalis, ordinary seaman, severely; John C. Thurston, ordinary seaman, dangerously; Caleb Wheeden, ordinary seaman, severely; John Ball, boy, dangerously, (since dead.)

Killed.—5.

Wounded.—Dangerously 8; severely 7; slightly 6—21.

BOOKS AND PAPERS DESTROYED BY THE CONFLAGRATION IN 1814.

[Communicated to the House, October 26, 29, November 1, 11, and 17, 1814.]

GENERAL POST OFFICE,
October 25, 1814.

SIR: In compliance with the resolution of the House of Representatives, on the subject of information relative to the destruction of official books and papers belonging to the General Post

Office, in consequence of the late incursion of the enemy, you are informed that no official books and papers are lost, belonging to the Department, in consequence of the late incursion.

I have the honor to be, your obedient servant,
R. J. MEIGS, JR.,
Postmaster General.

HON. the SPEAKER
of the House of Representatives.

NAVY DEPARTMENT, Oct. 27, 1814.

SIR: In obedience to the resolution of the honorable House of Representatives, passed on the 24th instant, I have the honor to report:

That the whole of the official books, papers, trophies, and effects, in the office of the Secretary of the Navy, except the furniture of the office, were preserved from loss or injury by the late incursion of the enemy, and are now entire; and that all the official books and papers, in the office of the Accountant of the Navy, have been preserved, except those official papers relative to accounts settled and transmitted to the Treasury Department, referred to in the letter of which the enclosed is a copy.

I have the honor to be, very respectfully, sir, your obedient servant,

W. JONES.

HON. the SPEAKER
of the House of Representatives.

NAVY DEPARTMENT,
Accountant's Office, Oct. 26, 1814.

SIR: In reply to your letter of this date, relative to the resolution of the House of Representatives, on the subject of the destruction of the official books and papers in the respective departments, in consequence of the incursion of the enemy in the month of August, 1814, I have the honor to state that it is believed that all the official books and papers in *this office* were saved. I have no knowledge of the loss of a single book, or papers of consequence; but I have understood that many of our official papers, relative to accounts settled and transmitted to the Treasury Department, were destroyed. What effect the loss may have on future adjustments, it is impossible for me to say.

With great respect, I have the honor to be, your obedient servant,

THOMAS TURNER.

HON. WILLIAM JONES.

TREASURY DEPARTMENT,
October 31, 1814.

In obedience to the resolution of the House of Representatives, of the 24th instant, the Secretary of the Treasury respectfully reports:

That, with the exception of some old letters from the collectors of the customs and commissioners of loans, and other unimportant documents, no loss of official books or papers was sustained in his particular office by reason of the incursion of the enemy in the month of August, 1814.

Destruction of Public Books and Papers.

That the documents herewith transmitted, and marked A, B, C, D, E, and F, contain all the information furnished by the heads of the several offices attached to this Department, in relation to the object of the said resolution, and are prayed to be received as part of this report.

All which is respectfully submitted by

A. J. DALLAS,
Secretary of the Treasury.

A.

TREASURY DEPARTMENT,
Comptroller's Office, Oct. 28, 1814.

SIR: To enable you to comply with a resolution of the House of Representatives, of the 24th instant, in relation to the destruction of official books and papers in the Treasury Department, I have to state, that all the official books and papers which were in this office on the 24th of August last, the day of the incursion of the enemy into this city, were packed up and removed from the Treasury, and have all since been returned, except a box containing brief entries of accounts, and another containing part of the accounts entered on the new books of the Accountant of the War Department, for the fourth quarter of 1812, and part of the accounts entered on the old books for the three last quarters of the same year.

These boxes, it is supposed, have, by some means, become mixed with others belonging to some other of the departments; and although diligent search has been made for them without effect, I do not yet despair of their being found.

I am, sir, with great respect, your obedient servant,

NATHAN LUFFBOROUGH,
Acting Comptroller.

Hon. A. J. DALLAS,
Secretary of the Treasury.

B.

TREASURY DEPARTMENT,
Auditor's Office, October 27, 1814.

SIR: In compliance with your request, accompanying a resolution of the House of Representatives, of the 24th instant, I have the honor to state, that of the official books and papers in the immediate charge of this office, none are known to have been destroyed or lost "in consequence of the incursion of the enemy in the month of August, 1814," excepting only a set of the printed journals and reports of the two Houses of Congress.

I have the honor to be, &c.

R. HARRISON.
Hon. SECRETARY of *Treasury.*

C.

Information respecting the books and papers of the Treasurer's office, required by a resolution of the House of Representatives, passed October 24, 1814.

TREASURER'S OFFICE, *Oct. 27, 1814.*

Legers, journals, remittance, bank, draft, and other books generally in use since the year 1810,

have been preserved, and many from the first establishment of the Treasury, particularly all the payments and receipts on account of the Treasury, War, and Navy Departments from their commencements. All the warrants, vouchers, and unsettled accounts of every kind, were preserved, except a few accounts and warrants which had been paid in July last, on account of the Privateer Pension Fund, and one on account of the seventh article of the British treaty. These can easily be replaced, the vouchers for the payments being preserved.

Many of the books and papers destroyed were brought from Philadelphia, and very few would ever have been wanted, as all the accounts of this office are adjusted at the end of every quarter, and the documents accompany the accounts to the accounting officers of the Treasury Department, and are afterwards deposited with the Register.

T. T. TUCKER,
Treasurer of the United States.

D.

TREASURY DEPARTMENT,
Revenue Office, October 26, 1814.

SIR: I have the honor of stating, in compliance with your request, that no official books or papers belonging to this office were destroyed in consequence of the incursion of the enemy, in the month of August, 1814.

I am, with great respect,

S. SMITH,
Comm'r of the Revenue.
Hon. SECRETARY of *Treasury.*

E.

TREASURY DEPARTMENT,
Register's Office, October 28, 1814.

The Register, in pursuance of the instructions from the Secretary of the Treasury, has the honor to represent, that the loss of books and papers in relation to the records of the Treasury, has, in a great degree, been limited to those of minor importance; and that, upon the late incursion of the enemy, all the essential books of the Treasury were removed to a place of safety.

That to comply more especially, by giving a description of the books and papers which were lost on that occasion, he begs leave to avail himself, by referring to certain papers herewith subjoined, being statements made by the clerks, respectively, having the charge of the principal books and records, and to which he submits the following remarks.

On the statements A and B, in relation to the principal books and records of the revenues of the United States:

The receipts and expenditures of public moneys, the accounts of individual collectors of the revenue, and of all public agents and persons accountable for moneys advanced or otherwise, were preserved; and that such as were lost (the very bulky and numerous settled accounts of the

Destruction of Public Books and Papers.

War and Navy Departments excepted,) were considered unimportant, compared with the books and records which were, on the emergency, removed, and which claimed the first attention of the Register with the few remaining clerks, who were not in the field in actual military service.

Statement C, in relation to the public debt :

In this branch of the public records, nothing has been lost that it is presumed can, in the most remote degree, affect the interests of the individual creditors, or the United States.

There arise two descriptions of records, from the mode adopted at the Treasury, of a quarterly settlement of the ledgers, in which every individual creditor on the books of the Treasury is exhibited ; the first of these are old ledgers closed, and put away as finished ; the other, those which are operative, and contain the names of existing creditors, the sums due to each, and periods of interest. The journals and ledgers of the first description only were lost.

On the loss of the books in which were placed numerically the old cancelled loan-office certificates ; the cancelled army certificates ; the cancelled final settlement certificates ; the Register respectfully remarks, that an official register of certificates of the foregoing character outstanding, and which remained outstanding under each class, has been preserved ; and that to this register of outstanding certificates reference has frequently been had in cases where petitions for payment have been presented to Congress ; so that it is presumed no material inconvenience will arise from the destruction of those which have been brought in and satisfied.

On the marine records lost :

The records arising under the laws in relation to the registering, enrolling, and licensing ships and vessels of the United States, being duplicates transmitted to the Treasury by the district collectors, from the passing of those acts in the year 1792, bound up in volumes descriptive of their contents ; together with the cancelled registers, enrolments, and licenses, placed numerically in books for their reception ; although they were destroyed, yet their loss, it is presumed, may be supplied in each port, by a reference to the corresponding records in the office of each collector ; a mode which it is presumed has been resorted to, from the circumstance that, comparatively to their extent, few applications have been made for certified copies of such records at the Treasury.

Respectfully submitted, by your most obedient and most humble servant,

JOS. NOURSE, *Register.*

Hon. A. J. DALLAS, *Sec'y of the Treas'y.*

A.

Schedule of the loss sustained by the destruction of the Treasury Department, in that branch of the Register's office where the books and accounts in relation to the impost and tonnage duties, the internal revenue, and direct tax, are kept, viz :

The ledgers, journals, and auxiliary books connected with the imports, tonnage, and internal

revenues, from the commencement to the year 1810, inclusive.

The export books, from the commencement to the year 1803, inclusive.

The vouchers and documents relative to the settlement of the accounts of the collectors of the customs, and supervisors of the internal revenues and direct tax, from the commencement to the year 1811, inclusive.

It is to be observed, however, that the general results of the accounts of every individual collector and supervisor throughout the Union, as settled at the Treasury, being exhibited in the annual printed statements of the public accounts, the loss above enumerated cannot be considered as essential to, or in any way likely to affect the settlement of future accounts, arising from the sources of revenue before stated ; and, further, that all the auditor's reports and statements of the accounts of the collectors of the customs, the internal revenue, and direct tax, from their commencement to the present period, have been saved.

JOS. DAWSON.

B.

Of the books and papers relative to the receipts and expenditures.

REGISTER'S OFFICE, Oct. 26, 1814.

The principal ledgers and journals, from the commencement of the present Government to the year 1798, were destroyed. The ledgers since that period, as well as the complete set of day books from the commencement of the Government, have been preserved.

The vouchers and reports on settled accounts, which were contained in upwards of one hundred large cases and chests in the fire-proof building, were destroyed. The Treasury statements on said accounts from the commencement of the present Government have, in general, been preserved.

Upon the whole, it is conceived but little inconvenience will be incurred in the settlement of accounts from the destruction of books and papers in relation to this branch of the office.

JOS. STRETCH.

C.

Of the books and records in relation to the accounts of the public debt, the following were destroyed.

REGISTER'S OFFICE, Oct. 25, 1814.

1. Several old journals and ledgers, the accounts in which had been closed.

Books containing receipts for certificates of funded debt delivered at the Treasury previous to the year 1800. The receipts taken since have been preserved.

2. Cancelled certificates or evidences of the Revolutionary funded debt, numerically arranged and bound up in books, which were numerous and bulky ; they contained,

1. Loan Office certificates.

2. Army certificates.

3. Final settlement certificates issued by the commissioners of the staff department.

Destruction of Public Books and Papers.

4. Final settlement certificates issued by commissioners in the several States.

5. Final settlement certificates issued in the marine department.

The whole were destroyed; an official list, however, exhibiting the certificates which remain outstanding was preserved, by which the equity of claims for certificates of either description may be ascertained with precision.

3. Receipts for dividends of principal and interest on the funded debt paid at the several loan offices, from the commencement of the Government to the 31st December, 1812, were lost; also, receipts for dividends declared at the Treasury to the 31st December, 1810.

Dividends returned unclaimed from the loan offices for payment at the Treasury; the transcripts of these dividends, however, which were made in this office, in books prepared with columns for receipts, and which were preserved, exhibit not only the amount paid thereon, but also every sum now due to individual creditors.

Transfers or cancelled certificates of the funded debt previous to the year 1811. All the powers of attorney for transferring stock were preserved.

MICHAEL NOURSE.

F.

GENERAL LAND OFFICE,

October 26, 1814.

SIR: All the maps of this office, and all the books and papers necessary to the settlement of accounts, were saved from destruction.

The papers destroyed were files of military warrants, which had been located and patented; files of final certificates, and other papers relative to purchased lands which had been patented; a few files of monthly returns from land offices, which files had been posted into the ledgers; the loss of these papers will not affect the public interest. I have, &c.

JOHN GARDINER,

Chief Clerk.

Hon. A. J. DALLAS,

Secretary of the Treasury.

WAR DEPARTMENT, Nov. 9, 1814.

SIR: Conformably to a resolution of the House of Representatives, of October 24, requiring of this Department a report relative to the destruction of books and papers in consequence of the incursion of the enemy in the month of August, 1814, I have the honor to report, that all the books of record belonging to this office were saved, and that no papers of any kind were lost, except recommendations for appointments in the Army, and letters received more than seven years previous; of all these, however, there is a record in the office, viz: the names of applicants, and a brief of the substance of all other letters which were not preserved.

All the standards and colors taken from the enemy during the Revolution, as well as those of the present war, which had been deposited in the War Office, were also saved.

In relation to the books and papers of several offices attached to this Department, I take the liberty to enclose the reports which have been made to me by the principal officer of each.

I have the honor to be, with great respect,
your obedient servant,

J. MONROE.

Hon. the SPEAKER,

of the House of Representatives.

Adjutant's Report.

DEPARTMENT OF WAR,
Accountant's Office, Oct. 27, 1814.

SIR: In compliance with the resolution of the House of Representatives, of the 24th instant, this day transmitted to me from your office, directing the Secretaries of the several Departments, and the Postmaster General, to communicate to the House such information as may be in their power, in relation to the destruction of official books and papers in their respective Departments, in consequence of the incursion of the enemy, in the month of August, 1814, &c., I have the honor to state, that the books and papers belonging to this office were removed at the time above mentioned, and are now in a state of safety, excepting a part of the papers and army accounts appertaining to the Revolutionary war, which had been saved from the flames on the burning of the house occupied by the War Department in 1800. When the books and papers of this office were removed, as before mentioned, it was not practicable to obtain conveyance for all; it was, therefore, determined to leave the old papers and army accounts, as the loss of those (if any loss should happen) would be attended with less inconvenience than that of any other papers. They were in the fire-proof room of the office at the time of the incursion of the enemy, and when that building was burnt they remained uninjured by the flames; but the room having been entered by some persons soon after the building was destroyed, the papers were deranged, and many of them undoubtedly destroyed or carried away at that time; but it is not possible to identify those which may have been thus destroyed. When the public papers were brought back to the City of Washington, the remainder of those papers (by far the larger part of the whole) were removed to the house now occupied as the Accountant's office.

It is not probable that the loss of those papers can have any effect in the adjustment of the unsettled accounts of the United States, as the claims (if any) which might arise under them have been barred by acts of limitation.

With very great respect, I have the honor to be, sir, your most obedient servant,

TOBIAS LEAR.

Hon. SECRETARY OF WAR.

Paymaster's Report.

ARMY PAY OFFICE, Oct. 29, 1814.

The Paymaster of the Army of the United States, in obedience to a resolution of the House

Destruction of Public Books and Papers.

of Representatives, under date October the 24th, 1814, has the honor to report :

That, by great exertions all the books, accounts, rolls, and papers of his office, which were of any considerable importance, were saved from the destructive incursion of the enemy at this place, in the month of August, 1814; but agreeably to the tenor of the resolution he proceeds to mention, as nearly as can be well ascertained, those which were not saved, and the probable effect which will result from their loss. They are as follows, namely:

Part of the copies of the statements of such recruiting and other accounts as had been adjusted and settled in this office, with old duplicate vouchers, the originals of which were sent up to the other offices of the Government to be finally deposited in the Treasury Department. No inconvenience will result to the Government from this loss; (provided the originals are preserved;) the only inconvenience which will be felt is in this office, where, instead of referring to our copies for information, we shall have to resort to the originals at the Treasury Department.

The accounts and vouchers of Lieutenant Samuel Scott, as paymaster of the twenty-fourth regiment of infantry. The instructions of the Paymaster of the Army to all sub-paymasters, direct them to keep duplicates of their accounts and vouchers, and Lieutenant Scott has been called on for the duplicates of his; when they are received the loss will be made good.

A small book containing a record of certain stoppages from the pay of non-commissioned officers, musicians, artificers, and privates; a book of minor importance, and as the stoppages had all been directed, and many of them actually made and done, the loss of it is considered of very little consequence.

The recruiting account and vouchers (in part) of the late Major Timothy Dix, of the 14th regiment of infantry, deceased. If the legal representative of Major Dix produces the duplicates, which it is expected are among the papers of the deceased, the loss will be retrieved.

It is possible that some few other papers might have been lost, which cannot now be recollected or ascertained. It is believed, however, that they could not have been of much magnitude or importance.

Respectfully,
R. BRENT,
Paymaster U. S. Army.
HON. JAMES MONROE,
Secretary of War.

Report of the Superintendent General of Military Supplies.

WASHINGTON, October 24, 1814.

SIR: In compliance with the resolution of the House of Representatives, of the 24th instant, I have the honor to state, that none of the books or papers belonging to the office of the Superintendent General of Military Supplies have been lost or otherwise destroyed, in consequence of the incursion of the enemy in the month of August last.

I have the honor to be, very respectfully, sir,
your obedient servant,

RICHARD CUTTS,
Supt. Gen. Military Supplies.
HON. JAMES MONROE,
Secretary of War.

Adjutant and Inspector General's Report.

ADJ. AND INS. GENERAL'S OFFICE.
Washington, Oct. 26, 1814.

SIR: In conformity to your order, and with a view to meet a resolution of the House of Representatives, of the 24th instant, calling for information relative to the destruction of official books and papers by the enemy, on the 24th of August last, I have the honor to inform you that the papers which belonged to this office, and which were destroyed by the conflagration of the enemy, were files of muster-rolls, inspection, garrison, monthly and recruiting returns, up to the year 1813, inclusive. In addition to this, several copies of Stoddard's Artillery, and a few copies of a System of Drum Beating for the use of the Army, which had not been distributed, were also lost. The whole loss, however, is of no material consequence.

I have the honor, to be, very respectfully, sir,
your obedient humble servant,
JOHN R. BELL,
Assistant Inspector General.

HON. JAMES MONROE,
Secretary of War.

ORDNANCE OFFICE, WASHINGTON,
October 27, 1814.

SIR: In obedience to a request from your Department, I have the honor to state that, in the late invasion and conflagration of the enemy in this city, no valuable books or papers attached or belonging to this office sustained any loss or injury. A few printed books, of inconsiderable value, and some loose papers of no intrinsic importance, with a small quantity of furniture, stationery, &c., formed the only articles which were destroyed.

Very respectfully, I have the honor to be, sir,
your obedient servant,

JOHN MORTON,
Deputy Commissary.
HON. SECRETARY OF WAR.

DEPARTMENT OF STATE,
November 14, 1814.

The acting Secretary of State, in compliance with the resolution of the House of Representatives, of the 24th ultimo, requesting such information as may be in the power of the several Departments to afford, in relation to the destruction of the official books and papers in their Departments, respectively, in consequence of the incursion of the enemy in the month of August, 1814, has the honor to report:

That, when it became apparent from the move-

Intercourse with the Enemy.

ments of the enemy, after his debarkation at Benedict, that his destination was the seat of Government, every exertion was made, and every means employed, for the removal of the books and papers of this office, to a place of safety; and, notwithstanding the extreme difficulty in obtaining the means of conveyance, it is believed that every paper and manuscript book of the office, of any importance, including those of the old Government, and all in relation to accounts, were placed in a state of security. That it was not found practicable, however, to preserve in like manner, the volumes of laws reserved by Congress for future disposition; many of the books belonging to the library of the Department, as well as some letters on file of minor importance from individuals on business mostly disposed of, which were unavoidably left, and shared the fate, it is presumed, of the building in which they were deposited.

All of which is respectfully submitted.

JAMES MONROE.

INTERCOURSE WITH THE ENEMY.

The Attorney General of the United States to the District Attorney of the United States for Massachusetts.

WASHINGTON, July 28, 1814.

DEAR SIR: I have had the honor to receive your letter of the 16th of this month. I perfectly agree with you that the intercourse which, in general terms, you describe as taking place on the part of our citizens with the enemy's ships upon the coast, is altogether incompatible with a state of war. Whatever of necessary business, growing out of the belligerent state, is to be transacted with the enemy, should be transacted with the knowledge and under the sanction of the Government. Any other doctrine might lead to consequences too palpably mischievous to be countenanced by any sound views of the public safety. To the highest powers of Government alone does it belong to make war. To the Government alone does it belong to carry it on. To its exclusive authority is negotiation committed, whatever character it may assume, whether involving the highest interests of the nation at large, or merely those matters of subordinate individual concern which spring up as unavoidably concomitant to a state of national hostility. The legal operation of the act declaring war was to put the subjects and citizens of the two countries in the condition of enemies towards each other. The slightest intercourse of trade between them is hence forbidden. All property detected as the subject of such trade is forfeitable under the general law resulting at all times and to all nations from a state of war, and which this nation appropriated to itself when it became belligerent, as indispensable to its operations, its duties, and its safety.

Much more subversive of these ends might it

prove if our citizens be suffered to hold, without the license of public authority, personal intercourse with the enemy; to visit, at pleasure, their fleets, while actually invading our waters and threatening our towns. Such conduct constitutes an encroachment upon the attributes delegated to Government, and which, under the theory of our Constitution, should be exercised only by the Executive branch as a necessary incident to Executive authority. The Government that passively and promiscuously permits this encroachment must agree to surrender its power of self-preservation. The citizen who imagines himself at liberty to embark in it must have a limited and erroneous sense of the obligations that should bind him. The forecast of the former cannot fail to perceive that it too obviously confers the means of doing mischief to suffer it to stand excused by any subsequent allegations of an unexceptionable or laudable motive, and should cut off remote and probable dangers by a strict inhibition of every species of such intercourse, under whatever pretences attempted. The latter should hesitate at taking a step so susceptible of abuse, which might open a door to pernicious imitation; and which, whatever its genuine or harmless complexion in his particular instance, is calculated to beget suspicions unfavorable to his intentions and hazardous to his fame. By the act of spontaneously repairing to the hostile ships, he separates himself from his country; identifies himself, for the time being, with its foe, and by exhibiting himself upon their decks without the stamp of national permission, is liable, under first impressions, to be viewed by both the one and the other, as in a garb of doubtful innocence. He goes unshielded and unknown. If any one citizen may rightfully repair to the enemy for any purpose which he chooses either sincerely to avow, or fictitiously to set up, all must be allowed to claim a participation in the same indulgence. Thus, an evil-disposed person, veiling a malignant and treacherous intention under cover of these excursions, with no limit to their number, and left to his own choice of circumstances and time, may become the bearer of information and plans, to gratify his own turbulent designs and work the ruin of his country. These remarks are conceived to be founded upon principles intrinsically sound, because inseparable from the safeguard of the Commonwealth, and that must hold out the strongest titles to assent in every dispassionate mind. The policy of other nations has adopted the method of a flag of truce from the Government or its known agents, when intercourse is to take place with an enemy, which serves as an universal symbol, that it is under public permission, and for lawful and necessary purposes. That the citizens of the United States, during a war, should be all at once absolved from this ancient, cautionary usage; that they should be freely allowed to substitute their own will for that of the Government; passing to the enemy's lines or to the enemy's ships, for objects innocent or fatal, at their own loose discretion, seems as irreconcilable to reason as it is opposed to the

Intercourse with the Enemy.

maxims of prudence that have heretofore regulated the conduct of contending nations.

In reply to your request for my opinion as to what course it might be proper to pursue towards persons who go on board the enemy's ships hovering upon our shores, without any previous license derived from public authority, I beg leave to state—

That I think such intercourse should, in every case, be regarded as importing a strong, *prima facie* intention of guilt. It raises a presumption of designs adverse to the country, and favoring the enemy, which should not be passed over without a scrupulous inquiry on the part of those functionaries who are charged with the punishing justice of the laws; and it behooves good citizens to be assistant to the magistrates upon all such occasions. If there be reason to think that, under the guise of some specious or inoffensive purpose, any improper information has been conveyed by direct or indirect, but intelligible, means of communication, or any supplies been furnished, and the competent evidence of such fact or facts can be obtained, it is obvious that the party stands embraced by the Constitutional definition of treason, in giving aid to the enemy, and should be proceeded against accordingly.

If no evidence exist, or be discoverable to this effect, it may be asked, is the bare act of thus going on board punishable by indictment under our existing laws?

I am not prepared to answer this question in the affirmative. Good men may, undoubtedly, be found going on board for ends that are innocent; however, in the view of a wise and safe policy, independent of any law, its impropriety could scarcely fail to strike every mind intelligent while it was patriotic. But there may possibly be room for fearing, and if there be, it is deeply to be regretted, that those who slight the unsophisticated verdict of the public feeling, in making these voluntary visits, may have been looking with a more anxious discernment into the presumed defects of our existing jurisprudence, than consulting, under enlarged and unbiassed estimates of duty, their own paramount obligations as members of the social body. It is true, indeed, that, under my views of the subject, no statute has yet been passed by Congress, looking particularly to this kind of conduct, or establishing it by specific definition as an independent crime. I do not think that the act of the 3d of January, 1799, entitled an act for the punishment of certain crimes therein specified, or the more recent one of the 6th of July, 1812, for the prohibition of trade with the enemy, can be considered as having contemplated the particular species of intercourse with the armed enemy, of which we are speaking; or that, under the safe rules applicable to the interpretation of penal laws, they could now be made to embrace it. At the same time I imagine it will be conceded that there exists full power to prohibit and punish specifically such intercourse as an integral, primary offence. The high exercise of legislative

authority which made the United States a belligerent, necessarily invested the body corporate of their Government with the resulting powers incident to a state of war; which powers, I cannot doubt, may be called into activity in detailed and positive acts of legislation, at the discretion of the same authority, and made co-extensive with the exigencies and duration of the war itself.

In what manner this kind of intercourse with a public enemy may be punished at mere common law, it is not necessary that I should inquire. Upon this point, if I must express an opinion, premising that it is of no more value than that of any other individual, I must declare that I do not think the common law applicable in such a case to the Government of the United States. I should feel regret at supposing that any official functions of which I may recognise the obligations, implied the necessity of my withholding the expression of this opinion. I do not think that a Federal Republic like ours, resting upon, as its only pillars, the limited political concessions of distinct and independent sovereign States, drew to itself, by any just implication, at the moment of its circumscribed structure, the whole common law of England, with all or any portion of its dark catalogue of crimes and punishments; a code which the more liberal and humane wisdom of a later day—the labors of the Romillys and the Bentham, following the more ancient strictures of a Blackstone and a Hale—has been aiming, ever since, to free of its fierce and sanguinary features; a code which, among the vast variety of actions that, in a complicated community, human frailty may be betrayed into, denounces, upon scarcely less than two hundred, capital infraction; thereby, as the regular and melancholy fruits of such a system, and as authentic lights assure us, imprinting more of human blood upon the gibbet than is known to the same extent of population in any other portion of Europe. Against the incorporation of such a code, even with the limitations that might be implied, upon the jurisprudence of the Union, I perceive serious and insurmountable objections. I believe, also, that this opinion has been adopted, partially at least, by the highest judicial tribunal known to the Constitution,* although I observe that you speak doubtfully upon this point, considering it not yet ultimately at rest. In order, therefore, to warrant proceedings against a party, under the systematic and regular course of a criminal prosecution by indictment, I confess it does appear to me that the act for which he is to be indicted, should be marked down, and the penalty affixed by some statute of Congress.

If no punishment can be superinduced through the medium of an indictment, it may next be asked, is there no other mode in which the party can be rendered obnoxious to legal animadversion? Is he to run no further risk than that of being made captive by trusting himself in the

* In the case of the United States against Hudson and Goodwin; Supreme Court United States, February, 1813.

Intercourse with the Enemy.

enemy's power; a risk which, on the pre-supposition of his intending to favor the enemy, it is idle to advert to? Is an act, the abstract and universal impropriety of which must exist, as it would seem, in the convictions of every unclouded understanding, and, as we would also think, be traced in characters as legible upon every heart; is such an act to be passed over without any notice from the magistracy; thereby, in the absence of all correction, inviting its endless repetition; to the disparagement of that fidelity which should bind in its transcendent ties, the citizen to the public, to the signal disrepute of our citizens themselves, in derision of all law, and to the manifest danger of the State?

To these more important questions, I feel happy in not being obliged to give a negative answer. I think that every private individual who is seen to throw himself upon the armed and invading foe, without the knowledge and permission of his Government, should be arrested and taken before the proper judge or court. That if this cannot be done with a view to prosecute him by indictment, it at least may be with a view to lay the foundation of a charge on which he may be bound in sufficient sureties to his good behaviour; for such intercourse with the enemy puts him under a suspicion so strong, that the law should be awake with all its vigilance and activity. It lies on the direct road to treason; seems an approximation to it, opening at once every facility to its commission by taking the first and natural step. If no crime, in the moral scale, has in fact been perpetrated, such verisimilitude of criminal intention is held out, as should put the party upon his excuse. And this, as I apprehend, not by his own mere voluntary asseverations, of an inoffensive motive, but under the solemnities of a judicial scrutiny and sanction. If he can make out, by unexceptionable testimony, his innocence; that is, if he can show that, during all the while he was in communion with the enemy, he did nothing or uttered nothing that would bring him within the pale of treason; or if he can show that some invincible necessity compelled his going, the judges, as the law now stands, might probably exercise a discretion in directing his discharge. On the other hand, if there be no such repellent proof, I should presume that the bare going on board being fixed upon him, would authorize his being held to his good behaviour. The amount of security to be demanded, would, of course, regulate itself, under judicial discretion, by the previous habits and standing of the party, which might serve to give cause of greater or less suspicion. It will be seen that, in this course, no departure is implied from the rule of law, which requires the proof always to follow up the allegation; since proof of the substantive act, which must always, in the first instance, be adduced of going at mere private instigation to the enemy while in armed array, is to be the standard of enforcing against the accused this species of preventive justice. Nor, in the language of the books, can he reasonably complain of being laid under this restraint, when, by his own impru-

dence, he has given such cause to suspect that he will perpetrate a crime.

It may perhaps be said that, as this binding over to good behaviour is a process at common law, to pursue it would be to recognise the authority of that system as the source of the remedy. It appears to me that such an objection is susceptible of an obvious answer. The right to bind over, is the necessary adjunct to the right to indict and punish the principal crime. It is, as it were, the accident inherent in the substance. Treason itself being forbidden and punishable by indictment, it becomes necessary that a step which, until fully explained away, verges so closely upon treason, should be followed up by this incipient restraint, so strictly comprehended within, and related to the power of final punishment. The voluntarily rushing into the enemy's camp, is to be considered in the light of a first probable commencement of that train, the entire series of which is, in sound construction, already declared to be a crime by the Constitution and the law. To wait its consummation, or the progressive stages of its development, might be to render the parent statute itself little less than a dead letter. Its existence may surely be anticipated where violent presumptions are afforded, and the arm of the statute be reached out, in indispensable extension of its efficacy to ward off, to check, to extinguish, the first movements towards the criminal deed. The power to punish, by established and known means, must draw after it the power to prevent, by derivative and kindred means. The less must be comprehended within the greater of its own quality and its own kind. Any other principles of construction would be over-scrupulous, would be against just reasoning upon judiciary powers, and might be in danger of paring down the statute of treason itself to a few abortive words.

The doctrine which goes to exclude the common law of England, taken as a general system, from the criminal jurisprudence of our country, has never denied it a prevalence and force *sub modo*. It has been adopted in universal practice, as the incidental guide and handmaid to our acts of positive legislation. The very institution of a court by Congress, necessarily implies its investiture with certain powers known at common law, fundamental to the discharge of its functions. How but by the aid of parts of this auxiliary code, incorporeal by inference and deduction upon our own statutes; how else could the statute of treason; how could any other statute of Congress which creates an offence and authorizes punishment, be executed? The shaping of the indictment; its caption; the form and body of phraseology; the legal idea of the offence; the rules of evidence on the trial; those applicable to the jury, to the carrying into effect the sentence upon conviction; these, and various other powers, are taken to be implied the moment that we are furnished by Congress with a statutory definition and punishment of a crime. Upon this foundation have the courts of the United States acted as soon as an offence has been thrown upon their general cognizance, without waiting for acts of

Proclamations by the President.

after-legislation, as their warrant for the observance and enforcement of these collateral attributes to the chief jurisdiction. But then such jurisdiction in chief must first have been conferred, and in this I take it lies the true distinction. In like manner, the right to bind over to the peace or good behaviour, is an anterior attribute of juridical authority, applicable to all offences known to the English code. Whenever, therefore, our own statutory code recognises and punishes an offence, it must adopt such anterior attribute as it has done all others that are merely collateral, the statute of Congress when once passed, taking to itself every incident that ought to move within its principal orbit, and which is necessary to its complete effect. Care, indeed, must be taken, that where the power to bind over is drawn forth, the cause of suspicion must have direct and fair relation to some offence which our own statutes actually forbid. In no other way can there be laid a just groundwork for its exercise. If, for example, a citizen by menaces, by laying in wait, or by any other indications, had given probable cause to suspect that he meditated violence upon the person of a foreign ambassador, he ought, I think, to be restrained by this previous interposition of the law—the offence itself being punishable by a statute of the United States. But if he had barely given cause to think that he designed to introduce popery into the country, his hands could not be thus tied up, the silence of our own laws viewing this as altogether harmless, however it may be treated by those of England. It would be easy to multiply illustrations under this head, but I fear I have already dwelt unnecessarily upon what must seem so plainly an incident to every court clothed by Congress with powers to try and punish crimes.

I am informed that this power of binding over, has had, as matter of undisputed authority under our code, the sanction of the Chief Justice of the United States. That in a case which recently occurred before him in the district of Virginia, of a charge of treason, the proof being insufficient as to the overt acts, he dismissed the defendant without any recognisance to appear and stand his trial; but was nevertheless of opinion that circumstances justified his being held to his good behaviour; and, bail not being at hand, committed him to prison. In this case the party had been on board the British ships in the Chesapeake.

In no part of any of the foregoing observations, already I fear in danger of extending to too much length, have I introduced the question, how far a grand jury would be strictly called upon in every case to find a bill for treason against a citizen, founded upon the simple fact of his going of his own accord on board an enemy's ship while invading our waters; and considering this mere fact as proof quite sufficient of such an overt act, as to put him upon his trial and defence. Perhaps, however, if the proof stopped here without advancing any further, the petit jury might hesitate at a verdict which would fix upon the party the heavy penalties of treason. I abstain from enlarging upon this point; though, surely, than

the contumacious and unexplained repetition of such suspicious visits, more violent presumptions of the guilt of treason could scarcely be laid before the judgments and consciences of jurors. If the mere fact of going on board without permission from the Government, no matter in what way attempted to be justified or palliated, were made in every case a misdemeanor, punishable by fine and imprisonment, it would perhaps be most effectual towards putting an end to a species of intercourse so dangerous and reprehensible. But this is a subject for Congress alone to regulate. I will here just remark, that if at any time a boat should be seen to put off from an enemy's ship invading our waters, and be making towards our shores, without the exhibition of a known symbol of truce from our own Government, or from the enemy, I do not see what is to prevent our land or naval officers in the vicinity firing upon it, considering it as a hostile boat; and, until the appearance be explained, incorporated with the force and intentions of the enemy. This I presume is a hazard which the party making the private visit, agrees not to take upon himself.

I have taken the liberty to express my opinions in the course of this letter with less reserve, under the satisfactory consciousness, that, if ever any of them should be thought worthy to be acted upon, whatever errors they contain will be corrected by the superior and authoritative learning of those Judges and Courts, who confer such dignity upon the judgment-seats of the Union; and to the controlling wisdom of whose decisions I shall ever be found amongst the foremost to pay reverence and submission.

I have the honor to be, with great respect your obedient servant.

RICHARD RUSH,
Attorney General United States.

U. S. DISTRICT ATTORNEY
for Massachusetts.

PROCLAMATION.

By the President of the United States of America.

The two Houses of the National Legislature having, by a joint resolution, expressed their desire that, in the present time of public calamity and war, a day may be recommended to be observed by the people of the United States as a day of public humiliation, and fasting, and of prayer to Almighty God, for the safety and welfare of these States, his blessings on their arms, and a speedy restoration of peace—I have deemed it proper, by this Proclamation, to recommend that *Thursday, the twelfth of January next*, be set apart as a day on which all may have an opportunity of voluntarily offering, at the same time, in their respective religious assemblies, their humble adorations to the Great Sovereign of the Universe, of confessing their sins and transgressions, and of strengthening their vows of repentance and amendment. They will be invited by the same solemn occasion, to call to mind the distinguished favors conferred on the

Proclamations by the President.

American people, in the general health which has been enjoyed; in the abundant fruits of the season; in the progress of the arts instrumental to their comfort, their prosperity, and their security; and in the victories which have so powerfully contributed to the defence and protection of our country—a devout thankfulness for all which ought to be mingled with their supplications to the Beneficent Parent of the human race, that he would be graciously pleased to pardon all their offences against Him; to support and animate them in the discharge of their respective duties; to continue to them the precious advantages flowing from political institutions so auspicious to their safety against dangers from abroad, to their tranquillity at home, and to their liberties, civil and religious; and that he would, in a special manner, preside over the nation, in its public councils and constituted authorities, giving wisdom to its measures, and success to its arms in maintaining its rights, and in overcoming all hostile designs and attempts against it; and finally, that by inspiring the enemy with dispositions favorable to a just and reasonable peace, its blessings may be speedily and happily restored.

Given under my hand, at the City of Washington, the sixteenth day of November, one thousand eight hundred and fourteen, and of the independence of the United States, the thirty-eighth.

JAMES MADISON.

By the President,

JAMES MONROE.

Acting Secretary of State.

PROCLAMATION.

By the President of the United States of America.

Among the many evils produced by the wars, which, with little intermission, have afflicted Europe, and extended their ravages into other quarters of the globe, for a period exceeding twenty years, the dispersion of a considerable portion of the inhabitants of different countries, in sorrow and in want, has not been the least injurious to human happiness, nor the least severe in the trial of human virtue.

It had been long ascertained, that many foreigners flying from the dangers of their own home, and some citizens, forgetful of their duty, had co-operated in forming an establishment on the Island of Barrataria, near the mouth of the river Mississippi, for the purpose of a clandestine and lawless trade. The Government of the United States caused the establishment to be broken up and destroyed: and, having obtained the means of designating the offenders of every description, it only remained to answer the demands of justice, by inflicting an exemplary punishment.

But it has been represented, that the offenders have manifested a sincere penitence; that they have abandoned the prosecution of the worst cause for the support of the best; and, particularly, that they have exhibited, in the defence of

New Orleans, unequivocal traits of courage and fidelity. Offenders, who have refused to become the associates of the enemy in the war, upon the most seducing terms of invitation; and who have aided to repel his hostile invasion of the territory of the United States; can no longer be considered as objects of punishment, but as objects of generous forgiveness.

It has, therefore, been seen, with great satisfaction, that the General Assembly of the State of Louisiana earnestly recommend these offenders to the benefit of a full pardon: And in compliance with that recommendation, as well as in consideration of all the other extraordinary circumstances of the case, I, JAMES MADISON, President of the United States of America, do issue this Proclamation, hereby granting, publishing, and declaring, a free and full pardon of all offences committed in violation of any act or acts of the Congress of the said United States, touching the revenue, trade, and navigation thereof, or touching the intercourse and commerce of the United States with foreign nations, at any time before the eighth day of January, in the present year one thousand eight hundred and fifteen, by any person or persons whatsoever, being inhabitants of New Orleans and the adjacent country, or being inhabitants of the said Island of Barrataria, and the places adjacent: *Provided*, That every person, claiming the benefit of this full pardon, in order to entitle himself thereto, shall produce a certificate in writing from the Governor of the State of Louisiana, stating that such person has aided in the defence of New Orleans, and the adjacent country, during the invasion thereof, as aforesaid.

And I do hereby further authorize and direct all suits, indictments, and prosecutions, for fines, penalties, and forfeitures, against any person or persons, who shall be entitled to the benefit of this full pardon, forthwith to be stayed, discontinued, and released: And all civil officers are hereby required, according to the duties of their respective stations, to carry this Proclamation into immediate and faithful execution.

Done at the City of Washington, the sixth day of February, in the year one thousand eight hundred and fifteen, and of the independence of the United States the thirty-ninth.

JAMES MADISON.

PROCLAMATION.

By the President of the United States of America.

The Senate and House of Representatives of the United States have, by a joint resolution, signified their desire, that a day may be recommended, to be observed by the people of the United States with religious solemnity, as a day of thanksgiving and of devout acknowledgments to Almighty God, for his great goodness, manifested in restoring to them the blessing of peace.

No people ought to feel greater obligations to celebrate the goodness of the Great Disposer of

Proclamations by the President.

events, and of the destiny of nations, than the people of the United States. His kind Providence originally conducted them, to one of the best portions of the dwelling place, allowed for the great family of the human race. He protected and cherished them, under all the difficulties and trials to which they were exposed in their early days. Under his fostering care, their habits, their sentiments and their pursuits, prepared them for a transition in due time for a state of independence and of self-government. In the arduous struggle by which it was attained, they were distinguished by multiplied tokens of his benign interposition. During the interval which succeeded, he reared them into the strength, and endowed them with the resources, which have enabled them to assert their national rights, and to enhance their national character, in another arduous conflict, which is now happily terminated, by a peace and reconciliation with those who have been our en-

emies. And to the same Divine Author of every good and perfect gift, we are indebted for all those privileges and advantages, religious as well as civil, which are so richly enjoyed in this favored land.

It is for blessings, such as these, and more especially for the restoration of the blessing of peace, that I now recommend that the second *Thursday in April* next be set apart, as a day on which the people, of every religious denomination, may, in their solemn assemblies, unite their hearts and their voices, in a free-will offering to their Heavenly Benefactor, of their homage of thanksgiving, and of their songs of praise.

Given at the City of Washington on the fourth day of March, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the thirty-ninth.

JAMES MADISON.

Public Acts of Congress.

hereby, authorized to cause to be constituted certificates of stock, signed by the Register of the Treasury, or by a Commissioner of Loans, for the sum to be borrowed by this act, or for any part thereof, and the same to be sold. And the Secretary of the Treasury shall lay before Congress an account of all the moneys obtained by the sale of the certificates of stock in manner aforesaid, together with a statement of the rate at which the same may have been sold.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to employ an agent or agents, for the purpose of obtaining subscriptions to the loan authorized by this act, or of selling any part of the stock to be created by virtue thereof. A commission, not exceeding one-quarter of one per cent. on the amount thus sold, or for which subscriptions shall have been thus obtained, may, by the Secretary of the Treasury, be allowed to such agent or agents; and a sum not exceeding nine thousand dollars, to be paid out of any moneys in the Treasury, not otherwise appropriated, is hereby appropriated for paying the amount of such commission or commissions as may be thus allowed, and also for defraying the expenses of printing, and issuing the subscription certificates and certificates of stock, and other expenses incident to the completing of the loan authorized by this act.

SEC. 4. *And be it further enacted*, That it shall be lawful to receive in payment of any loan obtained under this act, or under any other act of Congress authorizing a loan, Treasury notes which have been issued according to law, and which shall become due and payable on or before the first day of January next, at the par value of such Treasury notes, together with the interest thereon accrued, at the time of the payment on account of the loan.

SEC. 5. *And be it further enacted*, That so much of the funds constituting the annual appropriation of eight millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest and such part of the principal of said debt, as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal, of the stock which may be created by virtue of this act. It shall, accordingly, be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid, out of the said fund, yearly, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal, as the same shall become due, and may be discharged, in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums, out of the said fund, as they may think proper, towards redeeming, by purchase, and at a price not above

par, the principal of the said stock, or any part thereof.

SEC. 6. *And be it further enacted*, That, in addition to the annual sum of eight millions of dollars, heretofore appropriated to the sinking fund, adequate and permanent funds shall, during the present session of Congress, be provided and appropriated, for the payment of the interest and reimbursement of the principal of said stock created by this act.

SEC. 7. *And be it further enacted*, That an adequate and permanent sinking fund, gradually to reduce, and eventually to extinguish, the public debt, contracted, and to be contracted, during the present war, shall also be established during the present session of Congress.

SEC. 8. *And be it further enacted*, That it shall be lawful for any of the banks in the District of Columbia to lend any part of the sum authorized to be borrowed by virtue of this act, anything in any of their charters to the contrary notwithstanding.

Approved, November 15, 1814.

An Act to authorize the publication of the laws of the United States within the Territories of the United States.

Be it enacted, &c., That the Secretary for the Department of State be, and he is hereby, authorized to cause the laws of the United States, passed, or to be passed, during the present or any future session of Congress, to be published in two of the public newspapers within each and every Territory of the United States: *Provided*, In his opinion, it shall become necessary and expedient.

Approved, November 21, 1814.

An Act authorizing the Secretary of the Treasury to appoint a Clerk in the office of the Commissioner of the Revenue, with power to sign licenses.

Be it enacted, &c., That the Head of the Treasury Department shall be, and he is hereby, authorized, from time to time, as may be requisite, to designate a clerk in the office of the Commissioner of the Revenue, to assist in the signing of the licenses issuing from that office; and the clerk so designated shall have power to sign his own name to such licenses; which signature shall be as valid as that of the said Commissioner of the Revenue.

Approved, November 22, 1814.

An Act authorizing the Secretary of State, during the continuance of the present war, to make an additional allowance to the owners and masters of vessels, for bringing back to the United States destitute and distressed American seamen.

Be it enacted, &c., That during the continuance of the present war, the Secretary of State be, and he is hereby, authorized, in addition to the sum of ten dollars, at present allowed by law for returning destitute American seamen to the United States, to allow such additional compensation as he may deem reasonable, to be paid out

Public Acts of Congress.

of the sum annually appropriated for the relief of destitute American seamen.

SEC. 2. *And be it further enacted*, That the Secretary of State be, and he is hereby, authorized to adjust and settle such claims as may have been exhibited at the Department of State, for returning destitute American seamen to the United States, and to allow, in addition to the ten dollars at present allowed by law, such additional compensation as he may deem reasonable, and to pay the same out of the fund appropriated for the relief of destitute American seamen.

SEC. 3. *And be it further enacted*, That this act shall continue and be in force during the continuance of the present war between the United States and Great Britain, and for one year thereafter.

Approved, December 1, 1814.

An Act making further provision for filling the ranks of the Army of the United States.

Be it enacted, &c., That, from and after the passing of this act, each and every commissioned officer who shall be employed in the recruiting service, shall be, and he hereby is, authorized to enlist into the Army of the United States, any free, effective, able-bodied man, between the ages of eighteen and fifty years; which enlistment shall be absolute and binding upon all persons under the age of twenty-one years, as well as upon persons of full age, such recruiting officer having complied with all the requisitions of the laws regulating the recruiting service.

SEC. 2. *And be it further enacted*, That it shall not be lawful for any recruiting officer to pay or deliver to a recruit under the age of twenty-one years, to be enlisted by virtue of this act, any bounty or clothing, or in any manner restrain him of his liberty, until after the expiration of four days from the time of his enlistment; and it shall be lawful for the said recruit, at any time during the said four days, to reconsider and withdraw his enlistment, and thereupon he shall forthwith be discharged and exonerated from the same.

SEC. 3. *And be it further enacted*, That so much of the fifth section of the act, passed the twentieth day of January, one thousand eight hundred and thirteen, entitled "An act supplementary to the act, entitled 'An act for the more perfect organization of the Army of the United States,'" as requires the consent, in writing, of the parent, guardian, or master, to authorize the enlistment of persons under the age of twenty-one years, shall be, and the same is hereby, repealed: *Provided, however*, That, in case of the enlistment of any person held to service as an apprentice, under the provisions of this act, whenever such person, at the time of his enlistment, shall be held by his indenture to serve for any term between two and three years, his master shall be entitled to receive one-half of the money bounty; if held, in like manner, to serve between one and two years, the master shall be entitled to receive one-third of the money bounty as aforesaid; and if held, in like manner, to serve one year or less,

the master shall be entitled to receive one-fourth of the money bounty as aforesaid.

SEC. 4. *And be it further enacted*, That, in lieu of the bounty of one hundred and sixty acres of land, now allowed by law, there shall be allowed to each non-commissioned officer and soldier hereafter enlisted, when discharged from service, who shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, three hundred and twenty acres of land, to be surveyed, laid off, and granted, under the same regulations, and, in every respect, in the manner now prescribed by law: and the widow and children, and, if there be no widow nor child, the parents of every non-commissioned officer and soldier enlisted according to law, who may be killed or die in the service of the United States, shall be entitled to receive the three hundred and twenty acres of land as aforesaid; but the same shall not pass to collateral relations, any law heretofore passed to the contrary notwithstanding.

SEC. 5. *And be it further enacted*, That any person subject to militia duty, who shall, according to law, furnish a recruit for the Army of the United States, at his own expense, to serve during the war, shall thereafter be exempt from militia duty during the war; and every recruit, thus furnished, shall be delivered to some recruiting officer of the United States, who shall immediately grant his receipt for such recruit, to the person furnishing him, and shall forthwith report the same to the Department of War, and shall specify in the report the name of such person, and his place of residence, as well as the name and description of the recruit; whereupon it shall be the duty of the Secretary for the Department of War to grant to the person furnishing such recruit a certificate of exemption from militia duty during the war, upon calls made upon the authority of the United States; which certificate shall be good and available to all intents and purposes for that object. And every recruit thus furnished shall be entitled to the bounty in land, in the same manner, and upon the same conditions, as the other recruits in the Army of the United States.

Approved, December 10, 1814.

An Act supplementary to an act, laying duties on notes of banks, bankers, and certain companies, on notes, bonds, and obligations, discounted by banks, bankers, and certain companies, and on bills of exchange of certain descriptions.

Be it enacted, &c., That, in respect to the stamp duties of any of the notes of private bankers which are subject by law to such duties, it shall be lawful for the Secretary of the Treasury to agree to an annual composition in lieu thereof, with any of the said private bankers, at the rate of one and a half per centum on the amount of the annual profit made by such private bankers, respectively, upon the capital employed in the business of their respective banks, to be ascertained as is herein-after provided.

Public Acts of Congress.

SEC. 2. *And be it further enacted*, That every private banker, who shall be desirous to enter into the composition aforesaid, shall, at the time of proposing the same, transmit to the Secretary of the Treasury a statement, verified by his own oath or affirmation, and that of his cashier or principal clerk, of the amount of the capital employed, or to be employed, in his bank, and the charges and expenses of conducting the business thereof, in such detail as shall be satisfactory to the Secretary of the Treasury. And every private banker, after entering into such composition, shall keep a weekly account of his discounts, issues of bank notes and deposits, and shall, once in every month, transmit to the Secretary of the Treasury a transcript thereof, verified by oath or affirmation, as aforesaid; and he shall also, half yearly, make and transmit to the Secretary of the Treasury a statement of the profits of his bank for the preceding half year, verified as aforesaid.

SEC. 3. *And be it further enacted*, That, for the purpose of carrying such compositions into effect, the Secretary of the Treasury may, from time to time, estimate the profits of the said private bankers, respectively, either according to the amount of the capital by them respectively stated to be employed in the business of their respective banks, as aforesaid, and the half yearly profits by them respectively stated to be actually made thereon, as aforesaid, or according to the amount of the capital which, upon the general principle and practice of banking, would be requisite and proper for conducting the business of a bank, to the extent appearing upon the said monthly returns of the said private bankers, respectively, and the usual profits made upon such capital. And the said private bankers, respectively, shall pay to the collector of internal duties, for the district wherein their banks, respectively, are established, for the use of the United States, a composition in lieu of the said stamp duties, at the rate of one and a half per centum on the profits of their respective banks, estimated and ascertained in either of the modes aforesaid.

Approved, December 10, 1814.

An Act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by duties on carriages, and the harness used therefor.

Be it enacted, &c., That, from the last day of December instant, there shall be paid the following yearly rates and duties upon every carriage, with the harness used therefor, kept for use, which shall not be exclusively employed in husbandry, or for the transportation of goods, according to the following valuations, to wit:

If not exceeding fifty dollars, one dollar.

If above fifty, and not exceeding one hundred dollars, two dollars.

If above one hundred, and not exceeding two hundred dollars, four dollars.

If above two hundred, and not exceeding three hundred, seven dollars.

If above three hundred, and not exceeding four hundred, eleven dollars.

If above four hundred, and not exceeding five hundred, sixteen dollars.

If above five hundred, and not exceeding six hundred, twenty-two dollars.

If above six hundred dollars, and not exceeding eight hundred dollars, thirty dollars.

If above eight hundred dollars, and not exceeding one thousand dollars, forty dollars.

If above one thousand dollars, fifty dollars.

Which valuations shall be made agreeably to the existing condition of the carriage and harness at the time of making the first entry thereof, in conformity to the provisions of this act, and shall not be changed in relation to any carriage and harness, while subject to the duties imposed by this act.

SEC. 2. *And be it further enacted*, That every person having or keeping such carriage, shall yearly, in the month of January, make and subscribe a true and exact entry thereof, describing the same, and stating its denomination and the number of its wheels, together with its value, and that of the harness used therefor, as aforesaid; which entry shall be lodged with the collector appointed by virtue of the act, entitled "An act for the assessment and collection of direct taxes and internal duties," for the district in which the person liable for the payment of such duty may reside. And it shall be the duty of the collectors aforesaid to attend within the month of January, in each year, at three or more of the most public and convenient places in each county, within their respective districts, and to give public notice, at least ten days previous to such day, of the time and place of such attendance, and to receive such entry, made in the manner before directed, at such place, or at any other where they may happen to be within the said month of January, within which said month the duties shall be paid agreeably thereto, and, on the payment thereof, to grant a certificate for each carriage mentioned in such entry, therein specifying the name of the owner, the description and denomination of the carriage, and the sum paid, with the time when, and the period for which such duty shall be so paid; and the forms of the certificates to be so granted, shall be prescribed by the Treasury Department; and such certificates, or the acknowledgments of the collector aforesaid, by a credit in his public accounts, shall be the only evidence to be exhibited and admitted, that any duty imposed by this act has been discharged: *Provided, nevertheless*, That no certificate shall be deemed of validity any longer than while the carriage for which the said certificate was granted is owned by the person mentioned in such certificate, unless such certificate shall be produced to a collector, and an entry shall be thereon made by him, specifying the name of the then owner of such carriage, and the time when he or she became possessed of the same.

SEC. 3. *And be it further enacted*, That any person who, after the month of December, in any year, shall commence the having or keeping of any carriage subject to duty, shall and may, at any time during thirty days after he shall so

Public Acts of Congress.

commence the having or keeping of such carriage, make like entry and payment in manner before prescribed; and on payment of such proportion of the duty laid by this act on such carriage, and the harness used therefor, as the time, from which he shall commence the keeping of such carriage to the end of the month of December then next ensuing, shall bear to the whole year, shall be entitled to, and may demand like certificates; subject, nevertheless, to the conditions before and hereinafter provided.

SEC. 4. *And be it further enacted*, That any person having or keeping any carriage subject to duty, who shall make an untrue or defective entry, to evade the whole or any part of the duty justly and truly payable according to this act, shall lose the sum paid pursuant to such untrue or defective entry; and where such untrue or defective entry hath been made, or where no entry shall be made, or where there shall be a neglect of payment at any time thereafter, on personal application and demand at the house, dwelling, or usual place of abode of such person, by the proper collector, be liable and shall pay the duty by this act imposed, with a further sum, double the amount thereof; one moiety of which last sum shall be to the use of the United States, and the other moiety thereof to the use of the person who, if a collector, shall first discover, if other than a collector shall first inform in such case; which duty, with the said addition, shall be collected by distress and sale of the goods and chattels of the person by whom the same shall be due. And in every case where the owner of a carriage shall fail to enter the same in conformity to the provisions of this act, the collector shall have power, and he is hereby authorized, to determine the class to which such carriage belongs, and to fix the duty payable on the same.

SEC. 5. *And be it further enacted*, That in all cases where any duty shall be collected pursuant to this act, whether by distress or otherwise, certificates shall be granted for each carriage, in manner as before prescribed.

SEC. 6. *And be it further enacted*, That in case a question shall arise, in the execution of this act, whether a carriage is exclusively employed in husbandry, or for the transportation of goods, such carriage shall be deemed not to be so employed, unless proof to the contrary be adduced by the owner or keeper thereof.

SEC. 7. *And be it further enacted*, That in case any entry of a carriage may have been made under the "Act laying duties on carriages for the conveyance of persons," passed July twenty-fourth, one thousand eight hundred and thirteen, for a period extending beyond the first day of January next, it shall be the duty of the owner or keeper thereof, notwithstanding, to render the entry required by the second section of this act to the proper collector, and to pay him such sum as, with any duty previously paid, shall amount to the whole duty payable, according to this act, on such carriage and the harness used therefor, subject, in case of neglect or failure, to a proportionate part of the penalty imposed in the fourth

section of this act; which payment shall be endorsed on any certificate which may have been granted.

SEC. 8. *And be it further enacted*, That whenever, hereafter, there shall be a general assessment made throughout the United States, it shall be the duty of the principal assessor in each collection district, agreeably to instructions to be given by the Secretary of the Treasury, to cause a list of carriages liable to duty, with the valuations thereof, as fixed in this act, to be made out and delivered to the collector for such district, according to which valuations, as far as the same may apply, the duties hereby imposed shall be thereafter assessed and collected: *Provided*, That the owner or keeper of a carriage liable to duty, shall not be thereby released from the obligation to make the entry hereby required to be made: *And provided, further*, That carriages that are not contained in said list shall be also liable to duty.

SEC. 9. *And be it further enacted*, That the several provisions of "An act making further provision for the collection of internal duties, and for the appointment and compensation of assessors," passed the second day of August, one thousand eight hundred and thirteen, shall, and are hereby declared to apply in full force to the duties laid by and to be collected under this act, the same as if such duties and this act were recognised therein; which said duties shall be collected by the same collectors, in the same manner, for the same commissions, and under the same directions, as are thereby established in relation to the other internal duties; and all the obligations, duties, and penalties thereby imposed upon collectors, are hereby imposed upon the collectors of the duties laid by this act.

SEC. 10. *And be it further enacted*, That towards establishing an adequate revenue to provide for the payment of the expenses of Government, for the punctual payment of the public debt, principal and interest, contracted and to be contracted, according to the terms of the contracts, respectively, and for creating an adequate sinking fund gradually to reduce, and eventually to extinguish the public debt, contracted and to be contracted, the internal duties laid and imposed by this act, (and those laid and imposed by the "Act laying duties on carriages for the conveyance of persons," passed twenty-fourth July, one thousand eight hundred and thirteen, so far as the same are not hereby abolished,) shall be laid, levied, and collected, during the present war between the United States and Great Britain, and until the purposes aforesaid shall be completely accomplished, anything in any act of Congress to the contrary thereof in anywise notwithstanding. And for effectual application of the revenue to be raised by and from the said internal duties to the purposes aforesaid, in due form of law, the faith of the United States is hereby pledged: *Provided always*, That whenever Congress shall deem it expedient to alter, reduce, or change, the said internal duties, or any or either of them, it shall be lawful so to do, upon providing and sub-

Public Acts of Congress.

stituting by law, at the same time, and for the same purposes other duties, which shall be equally productive with the duties so altered, reduced, or changed: *And provided, further*, That nothing in this act contained shall be deemed or construed in anywise to rescind or impair any specific appropriation of the said duties, or any or either of them heretofore made by law, but such appropriation shall remain, and be carried into effect according to the true intent and meaning of the laws making the same; anything in this act to the contrary thereof in anywise notwithstanding.

Sec. 11. *And be it further enacted*, That the "Act laying duties on carriages for the conveyance of persons," passed July twenty-fourth, one thousand eight hundred and thirteen, shall cease after the thirty-first day of December, one thousand eight hundred and fourteen, except so far as the same may apply to the collection of duties which may have previously accrued, and except so far as entries may have been made or duties paid under the same, as contemplated in the seventh section of this act: *Provided*, That all fines, penalties, and forfeitures, which have been, or may be, incurred under the said act, shall be recovered and distributed, and may be mitigated or remitted, in like manner as if the said act had continued in full force and virtue.

Approved, December 15, 1814.

An Act making additional appropriations for the service of the year one thousand eight hundred and fourteen.

Be it enacted, &c., That, for defraying the expenses of the military establishment during the year eighteen hundred and fourteen, in addition to the sums heretofore appropriated by law to that object, the following sums be, and they are hereby, appropriated; that is to say:

For the pay of the army, five hundred thousand dollars.

For the subsistence of the army, one million of dollars.

For the quartermaster's department, five hundred thousand dollars.

For the ordnance department, five hundred thousand dollars.

For clothing, five hundred thousand dollars.

Sec. 2. *And be it further enacted*, That the following sums be appropriated for the purposes herein recited; that is to say:

For defraying the compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, during the year one thousand eight hundred and fourteen, in addition to the sum heretofore appropriated for that purpose, the sum of fifty thousand dollars.

For defraying the contingent expenses of the Senate of the United States, during the year one thousand eight hundred and fourteen, the sum of five thousand dollars, in addition to the sum heretofore appropriated.

For defraying the contingent expenses of the House of Representatives, during the year one

thousand eight hundred and fourteen, the sum of ten thousand dollars, in addition to the sum heretofore appropriated.

Sec. 3. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of any moneys in the Treasury, not otherwise appropriated.

Approved, December 15, 1814.

An Act directing the Staff Officers of the Army to comply with the requisitions of naval and marine officers, in certain cases.

Be it enacted, &c., That it shall be the duty of the several officers of the staff of the Army of the United States, to provide the officers, seamen, and marines, of the Navy of the United States, when acting, or proceeding to act, on shore, in co-operation with the land troops, upon the requisition of the commanding naval or marine officer of any such detachment of seamen or marines, under orders to act as aforesaid, with rations, also the officers and seamen with camp equipage, according to the relative rank and station of each, and the military regulations in like cases, together with the necessary transportation, as well for the men as for their baggage, provisions, and cannon: *Provided, nevertheless*, That the contract price of the rations which may be furnished shall be reimbursed out of the appropriations for the support of the navy.

Sec. 2. *And be it further enacted*, That the respective quartermasters of the army shall, upon the requisition of the commanding naval officer of any such detachment of seamen or marines, furnish the said officer and his necessary aids with horses, accoutrements, and forage, during the time they may be employed in co-operating with the land troops as aforesaid.

Approved, December 15, 1814.

An Act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on spirits distilled within the United States, and Territories thereof, and by amending the act laying duties on licenses to distillers of spirituous liquors.

Be it enacted, &c., That, from and after the first day of February next, there shall be paid upon all spirits, unless hereinafter specially excepted which, after the said day, shall be distilled within the United States, or Territories thereof, in any still or stills, or in any other vessel, or by the aid of any boiler, as defined in the act, entitled "An act laying duties on licenses to distillers of spirituous liquors," in addition to the duties payable for licenses therefor, the duties following; that is to say: for every gallon of such spirits distilled wholly or in part from foreign materials, twenty cents; and for every gallon of such spirits distilled from domestic materials, twenty cents; which said duties shall be paid by the owner, agent, or superintendent, of the still or other vessel, in which the said spirits shall have been distilled; the amount thereof payable by any one person, at any one time, if not exceeding ten dollars, shall, and if exceeding

Public Acts of Congress.

ten dollars may, be paid in money, with a deduction of two per centum, at the time of rendering the accounts of spirits so chargeable with duty, required to be rendered by the second section of this act, or without deduction at the next subsequent time prescribed for rendering such accounts.

SEC. 2. And be it further enacted, That every person who, on the first day of February next, shall be the owner of any still or boiler, or other vessel, used or intended to be used for the purpose of distilling spirituous liquors, or who shall have such still or boiler, or other vessel, under his superintendence, either as agent for the owner or on his own account, shall, before the said day, and every person who, after the said day, shall use or intend to use any still or boiler, or other vessel, as aforesaid, either as owner, agent, or otherwise, shall, before he shall begin so to use or cause the same so to be used, give bond in such sum as shall be prescribed by the Treasury Department, with at least two sureties, to the satisfaction of the collector of internal duties for the district in which the same shall be situate, in a sum not less than the computed duties for one year, nor less than one thousand dollars, that he will, before using or causing the same to be used, make true and exact entry and report, in writing, to the said collector, of every such still or boiler, or other vessel, owned or superintended by him, with the capacity thereof, the names of the owner, agent, and superintendent, the place where situate, and whether intended to be employed on foreign or domestic materials, with the quantity of domestic spirits, in gallons, which he may have on hand; that he will thereafter, before using or causing the same to be used, make like entry and report of any other still or boiler, or other vessel, used, or intended to be used, for distillation, that he may own, or have the agency or superintendence of, with the capacity thereof, the names of the owner, agent, and superintendent, the place where situate, and whether intended to be employed on foreign or domestic materials, with information from time to time, of any change in the form, capacity, agency, ownership, or superintendence, which all or either of the said stills or boilers, or other vessels, may undergo; that he will, from day to day, enter, or cause to be entered, in a book to be kept by him for that purpose, and which shall be open at all times, between the rising and setting of the sun, for the inspection of the said collector, who may take any minutes, memorandums, or transcripts thereof, the number of gallons of spirits distilled, keeping separate accounts of the spirits distilled from foreign and domestic materials; and will render to the said collector, on the first day of January, April, July, and October, in each year, or within ten days thereafter, a general account in writing, taken from his books, of the number of gallons of each kind of spirits distilled for three months preceding said days, or for such portion thereof as may have elapsed from the date of said entry and report, to the said day which shall next ensue; that he will, at the said times, deliver to the said collector the

original book of entries, which book shall be retained by said officer; that he will verify or cause to be verified, the said entries, reports, books, and general accounts, on oath or affirmation, to be taken before the collector, or some officer authorized by the laws of the State to administer the same, according to the form required by this act, where the same is prescribed; and that he will pay to the said collector the duties which by this act ought to be paid on the spirits so distilled, and in the said account mentioned, if not exceeding ten dollars, at the time of rendering an account thereof, with a deduction of two per centum, and if exceeding ten dollars, either at said time, with a like deduction, or at the next subsequent time prescribed for rendering such accounts, without deduction: and the said bond may, from time to time, at the discretion of the collector, be renewed or changed in regard to the sureties and penalties thereof.

SEC. 3. And be it further enacted, That the entries made in the books of the distiller, required to be kept by the second section of this act, shall, on the said first day of January, April, July, and October, or within ten days thereafter, be verified by the oath or affirmation, to be taken as aforesaid, of the person or persons by whom such entries shall have been made, which qualification shall be certified at the end of such entries by the collector, or officer administering the same, and shall be in substance as follows: "I do swear, (or affirm,) that the foregoing entries were made by me on the respective days specified, and that they state, according to the best of my knowledge and belief, the whole quantity of spirits distilled at the distillery, owned by — in the county of — amounting to — gallons, distilled from domestic materials, and — gallons, distilled from foreign materials."

SEC. 4. And be it further enacted, That the owner, agent, or superintendent aforesaid, shall, in case the original entries required to be made in his books by the second section of this act shall not be made by himself, subjoin to the oath or affirmation of the person by whom they were made, the following oath or affirmation, to be taken as aforesaid: "I do swear, (or affirm,) that, to the best of my knowledge and belief, the foregoing entries are just and true, and that I have taken all the means in my power to make them so."

SEC. 5. And be it further enacted, That in all cases in which the duties aforesaid, payable on spirits, shall not be duly paid, the person or persons chargeable therewith shall pay in addition ten per cent. on the amount thereof; and in case such duties, with said addition, shall not be paid within three months from the time the said duties ought to be paid, the collector for the district shall make a personal demand of the same from such person or persons, or by notice in writing, left at his or her dwelling, if within the collection district, and if not, at the distillery owned or superintended by such person or persons; and in case of refusal or neglect to pay the said duties, with the addition, within ten days after such demand or notice, the amount thereof shall be recovered by distress and

Public Acts of Congress.

sale of the goods, chattels, and effects, of the delinquent; and in case of such distress, it shall be the duty of the officer charged with the collection, to make, or cause to be made, an account of the goods or chattels which may be distrained, a copy of which, signed by the officers making such distress, shall be left with the owner or possessor of such goods, chattels, or effects, or at his or her dwelling, with a note of the sum demanded, and the time and place of sale; and the said officer shall, forthwith, cause a notification to be publicly posted up, at two of the taverns nearest to the residence of the person whose property shall be distrained, or at the court-house of the same county, if not more than ten miles distant, which notice shall specify the articles distrained, and the time or place proposed for the sale thereof, which time shall not be less than ten days from the date of such notification, and the place proposed for sale not more than five miles distant from the place of making such distress: *Provided*, That in any case of distress for the payment of the duties aforesaid, the goods, chattels, or effects, so distrained, shall and may be restored to the owner or possessor, if, prior to the sale thereof, payment, or tender thereof, shall be made to the proper officer charged with the collection, of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expenses of removing and keeping the goods, chattels, or effects, so distrained, as may be allowed in like cases by the laws or practice of the State or Territory wherein the distress shall have been made; but in case of non-payment, or tender, as aforesaid, the said officer shall proceed to sell the said goods, chattels, or effects, at public auction, and shall and may retain, from the proceeds of such sales, the amount demandable for the use of the United States, with the said necessary and reasonable expenses of distress and sale, as aforesaid, and a commission of five per centum thereon for his own use, rendering the overplus, if any there be, to the person whose goods, chattels, or effects, shall have been distrained: *Provided*, That it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plough necessary for the cultivation of improved lands, arms, or necessary household furniture, and apparel for a family.

SEC. 6. *And be it further enacted*, That all spirits which shall be distilled within the United States, or Territories thereof, the duties on which shall not have been duly paid or secured, according to the true intent and meaning of this act, shall be forfeited, and may be seized as forfeited, by any collector of the internal duties: *Provided always*, That such spirits shall not be liable to seizure and forfeiture in the hands of a *bona fide* purchaser without notice of the duties not being paid, or secured to be paid.

SEC. 7. *And be it further enacted*, That the owner, agent, or superintendent, of any still, boiler, or other vessel used in the distillation of spirits, who shall neglect or refuse to make true and exact entry and report of the same, or to do, or cause to be done, any of the things by this act required to

be done as aforesaid, excepting to pay the duties hereby laid in cases where the bond required by the second section of this act has been given, shall forfeit, for every such neglect or refusal, all the spirits distilled by or for him, and the stills, boilers, and other vessels used in distillation, together with the sum of one thousand dollars, to be recovered, with costs of suit; which said spirits, with the vessels containing the same, and stills, boilers, and other vessels used in distillation, may be seized by any collector of the internal duties, and held by him until a decision shall be had thereon, according to law: *Provided*, Such seizure be made within three months after the cause for the same may have occurred, and that a prosecution or action thereupon shall have been commenced by such collector, within twenty days after the seizure thereof.

SEC. 8. *And be it further enacted*, That in case the duties aforesaid shall not be paid or recovered agreeably to the provisions of this act, or in case any acts shall be done contrary to, or any acts omitted that are required to be done by, the bond to be given as aforesaid, or the penalties incurred thereby shall not be recovered, the said bond shall be deemed forfeited, and shall be put in suit by the collector, for the recovery of the amount of the said duties, with the addition thereon, penalties, and costs, or either, as the case may be; and judgment thereon shall and may be taken at the return term, on motion to be made in open court, unless sufficient cause to the contrary be shown to, and allowed by, the court: *Provided*, That the writ of process in such case shall have been executed at least fourteen days before the return day thereof.

SEC. 9. *And be it further enacted*, That if any person shall forcibly obstruct or hinder a collector in the execution of this act, or of any of the powers or authorities hereby vested in him, or shall forcibly rescue, or cause to be rescued, any spirits, still, boiler, or other vessel, after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending shall, for every such offence, forfeit and pay the sum of five hundred dollars.

SEC. 10. *And be it further enacted*, That a collector shall be authorized to enter, at any time between the rising and setting of the sun, any distillery or place where any stills, boilers, or other vessels used in distillation, are kept, within his collection district, for the purpose of examining and measuring the same, and the other vessels therein, or of inspecting the accounts of spirits from time to time distilled. And every owner of such distillery, or stills, or boilers, or other vessels, or persons having the agency or superintendence of the same, who shall refuse to admit such officer, or to suffer him to examine and measure the same, or to inspect said accounts, shall, for every such refusal, forfeit and pay the sum of five hundred dollars.

SEC. 11. *And be it further enacted*, That any person who shall be convicted of wilfully taking a false oath or affirmation, in any of the cases in which an oath or affirmation is required to be

Public Acts of Congress.

taken in virtue of this act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury, and shall, moreover, forfeit the sum of five hundred dollars.

SEC. 12. *And be it further enacted*, That no person who shall have refused or neglected to comply with the provisions of this act, shall be entitled, while such refusal or neglect continues, to receive a license for employing, in distillation, any still, or boiler, or other vessel, or shall be entitled to credit for any duties on spirits that may have accrued.

SEC. 13. *And be it further enacted*, That every collector shall give receipts for all sums by him collected under this act.

SEC. 14. *And be it further enacted*, That if it shall appear to the satisfaction of the collector for the district, that any owner, agent, or superintendent, of a still, boiler, or other vessel used in distillation, who shall have given bond agreeably to the second section of this act, and shall have ceased to use the same for one year, and made oath or affirmation thereof, to be lodged with said collector, hath acted agreeably to the condition of such bond, the collector shall cause such bond to be delivered to said owner, agent, or superintendent.

SEC. 15. *And be it further enacted*, That all the provisions of this act, as well as of the "Act laying duties on licenses to distillers of spirituous liquors," passed the twenty-fourth day of July, one thousand eight hundred and thirteen, shall be deemed to apply to any still, or boiler, or other vessel used in distillation, which shall be employed in the rectification of spirituous liquors, and to spirits rectified therein, or with the aid thereof.

SEC. 16. *And be it further enacted*, That any license heretofore or hereafter granted for employing a still, boiler, or other vessel, in distilling spirits from foreign materials, shall authorize the distilling spirits from domestic materials also.

SEC. 17. *And be it further enacted*, That the "Act laying duties on licenses to distillers of spirituous liquors," passed the twenty-fourth of July, one thousand eight hundred and thirteen, shall be deemed to remain in full force, except as to the alterations thereof contained in this act, and that the several provisions of "An act making further provision for the collection of internal duties, and for the appointment and compensation of assessors," passed the second day of August, one thousand eight hundred and thirteen, shall, and are hereby declared to, apply in full force to the duties laid by, and to be collected under, this act, the same as if such duties and this act were recognised therein, which said duties shall be collected by the same collectors, in the same manner, for the same commissions, and under the same directions, as are hereby established in relation to the other internal duties; and all the obligations, duties, and penalties, thereby imposed upon the collectors, are hereby imposed upon the collectors of the duties laid by this act: *Provided*, That if any person to whom a license shall have been granted, according to the provisions of the act, entitled "An act laying duties on licenses to dis-

tillers of spirituous liquors," and who shall have given bonds for the payment of the duties therein mentioned, shall, on or before the first day of February next, discontinue the use of any still or stills, for the use of which the said license shall have been granted, and shall give notice thereof to the collector of internal duties for the district in which the same shall be situate, such license shall thereupon cease to be in force, and such person shall be holden to pay the same duties, and the same proceedings shall be had upon the bonds aforesaid, as in case the said license had been originally granted for the term during which it shall have been in force as aforesaid.

SEC. 18. *And be it further enacted*, That, in addition to the licenses authorized and directed to be granted by the "Act laying duties on licenses to distillers of spirituous liquors," passed on the twenty-fourth day of July, one thousand eight hundred and thirteen, there may and shall be granted like licenses for a still or stills, and for a boiler or boilers, for the term or period of one week, on payment, or securing of payment, of the following duties, for each gallon of the capacity thereof.

For a still or stills, employed in distilling spirits from domestic materials, five cents.

For a boiler, or boilers, as defined in the said act, employed in distilling spirits from domestic materials, ten cents.

One-half only of which rates of duty shall be paid for a still or stills, and boiler or boilers, employed wholly in the distillation of roots.

Which said duties shall be collected in the same manner, and subject to the same provisions, as the duties imposed by the said act.

SEC. 19. *And be it further enacted*, That a deduction, at the rate of eight per centum per annum, shall be made from the duty payable for a license to distil spirituous liquors, on the payment thereof at the time of obtaining the same.

SEC. 20. *And be it further enacted*, That every person who may be the owner, agent, or superintendent, of one still only, whose capacity shall not exceed one hundred gallons, or of one boiler only, whose capacity shall not exceed fifty gallons, and each of which shall be wholly employed in distilling spirits from domestic materials, shall have the option of complying with the foregoing provisions of this act, and of the "Act laying duties on licenses to distillers of spirituous liquors," passed the twenty-fourth day of July, one thousand eight hundred and thirteen, or of paying, agreeably to the provisions of this act, twenty-five cents for every gallon of spirits distilled in such still or boiler: *Provided*, That, to entitle such person to the benefits of the latter alternative, he shall deliver a written statement of his desire to the collector of the district in which such still or boiler may be situate, specifying the contents of the same, previously to the times of using such still or boiler in every year. And any person so accepting the latter alternative, who shall fail to comply with the condition on which the same is hereby allowed, shall forfeit and pay the sum of five hundred dollars; which said forfeiture shall

Public Acts of Congress.

in no wise affect or impair any other penalty which would otherwise attach to such failure.

SEC. 21. *And be it further enacted*, That it shall be the duty of the collectors aforesaid, in their respective districts, and they are hereby authorized, to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act: And all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for, and recovered, in the name of the United States, or of the collector within whose district any such fine, penalty, or forfeiture, shall have been incurred, by bill, plaint, or information, one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who, if a collector, shall first discover, if other than a collector, shall first inform, of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture, shall have been incurred; and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court, within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the State, holden within the said district, having jurisdiction in like cases.

SEC. 22. *And be it further enacted*, That the collector shall furnish to each distiller within the collection district, an abstract of this act, and of the "Act laying duties on licenses to distillers of spirituous liquors," and of such provisions of the "Act to amend the act, laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, and for other purposes," as regards distillers; which abstract shall be prepared and furnished to the collectors, under the direction of the Secretary of the Treasury.

SEC. 23. *And be it further enacted*, That towards establishing an adequate revenue, to provide for the payment of the expenses of Government; for the punctual payment of the public debt, principal and interest, contracted and to be contracted, according to the terms of the contracts, respectively; and for creating an adequate sinking fund, gradually to reduce, and eventually to extinguish, the public debt, contracted, and to be contracted; the rates and duties laid and imposed by this act, and the duties laid and imposed upon licenses to distillers, in and by the said act, entitled "An act laying duties on licenses to distillers of spirituous liquors," shall continue to be laid, levied, and collected, during the present war between the United States and Great Britain, and until the purposes aforesaid shall be completely accomplished, anything in the said act of Congress to the contrary thereof in any wise notwithstanding. And, for the effectual application of the revenue to be raised by and from the said duties, to the purposes aforesaid, in due form of law, the faith of the United States is hereby pledged: *Provided always*, That whenever Congress shall deem it expedient to alter, reduce, or change, the said duties, or either of them, it shall

be lawful so to do, upon providing and substituting, by law, at the same time, and for the same purposes, other duties, which shall be equally productive with the duties so altered, reduced, or changed: *And provided further*, That nothing in this act contained shall be deemed or construed in any wise to rescind or impair any specific appropriation of the said duties, or either of them; but such appropriation shall remain and be carried into effect, according to the true intent and meaning of the law and laws making the same, anything in this act to the contrary thereof in any wise notwithstanding.

SEC. 24. *And be it further enacted*, That in future it shall be lawful for the distiller or distillers of domestic spirits, and all persons from whose materials such spirits shall be distilled, to sell, without license, any quantity thereof not less than one gallon.

SEC. 25. *And be it further enacted*, That it shall be lawful for the President of the United States to authorize the Secretary of the Treasury to anticipate the collection and receipt of the duties laid and imposed by this act, and by the said act, entitled "An act laying duties on licenses to distillers of spirituous liquors," by obtaining a loan, upon the pledge of the said duties for the reimbursement thereof, to an amount not exceeding six millions of dollars, and at a rate of interest not exceeding six per centum per annum. And any bank or banks, now incorporated, or which may hereafter be incorporated, under the authority of the United States, is and are hereby authorized to make such loan: *Provided always, and it is expressly declared*, That the money so obtained upon loan, shall be applied to the purposes aforesaid, to which the said duties, so to be pledged, are by this act applied and appropriated, and to no other purposes whatsoever.

Approved, December 21, 1814.

An Act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by duties on sales at auction, and on licenses to retail wines, spirituous liquors, and foreign merchandise, and for increasing the rates of postage.

Be it enacted, &c., That, from and after the first day of February next, there shall be laid, levied, and collected, for the use of the United States, a sum of one hundred per centum upon, and in addition to, the amount of the rates and duties respectively laid upon sales by way of auction, in and by the act of Congress, entitled "An act laying duties on sales at auction of merchandise, and ships and vessels," passed on the twenty-fourth day of July, in the year eighteen hundred and thirteen. And the said additional duty of one hundred per centum shall be levied, collected, paid, and accounted for, in like manner, by the same officers, subject, in all respects, to the same regulations and provisions, and with the like fines, penalties, forfeitures, and remedies, from breaches of the law, as the said act of Congress, and the act to amend the said act, passed on the twenty-

Public Acts of Congress.

fourth day of March, in the year eighteen hundred and fourteen, declare and establish for levying, collecting, and paying, the original duties to which the said duty of one hundred per centum is hereby added and attached. And it shall be the duty of every auctioneer, who shall have given bond under the said acts, to give like bond under this act, subject to the same penalties prescribed in the said act, passed on the twenty-fourth day of July, one thousand eight hundred and thirteen. And all sales at auction of any part, or parcel, of any merchandise, with the design and effect to ascertain and fix a price for the whole, or for any other part, of such merchandise, without exposing the whole, or such other part, to public sale, shall be deemed and taken to be sales at auction within the meaning of this act, and of the said act of Congress, to the whole amount of the merchandise whereof the sale is so effected, whether the same is afterwards conducted and effected by the auctioneer, or by any person or persons acting as a commission merchant, factor, or agent, or by the owner and owners of the merchandise. And it shall be the duty of the auctioneers, respectively, to specify, in their quarterly accounts, upon oath or affirmation, all sales by them respectively made of a part or parcel of any merchandise as aforesaid, with the design and effect aforesaid, for whom and to whom such sales, respectively, were made, and the amount of the commissions or other compensation to them, respectively, paid, or payable, by reason of such sales, as well with respect to the part or parcel of the merchandise actually exposed to sale, as with respect to the whole, or any other part, of such merchandise, the sale whereof is designed and effected as aforesaid. And the neglect or refusal so to do, shall be deemed to be a breach of the bond of the auctioneer, so neglecting and refusing, who shall, also, in that behalf, forfeit and pay such other penalties as the said act of Congress prescribes in case of the non-performance of any other duty required from auctioneers, to be performed in taking out licenses, giving bonds, and keeping and rendering accounts.

SEC. 2. *And be it further enacted*, That, from and after the first day of February next, there shall be added to the rates of postage, as at present established by law, a sum equal to fifty per centum upon the amount of such rates, respectively, for the use of the United States. And the said additional sum of fifty per centum shall be charged, collected, paid, and accounted for, in like manner, by the same officers, subject, in all respects, to the same regulations and provisions, and with the like fines, penalties, forfeitures, and remedies for breaches of the law, as are provided for charging, collecting, and paying, the original rates of postage to which the said sum of fifty per centum is hereby added and attached.

SEC. 3. *And be it further enacted*, That, from and after the first day of February next, there shall be laid, levied, collected, and paid, for the use of the United States, a sum of fifty per cent. upon, and in addition to, the duties laid on licenses, granted in pursuance of the act of Congress, enti-

tled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," passed the second day of August, in the year eighteen hundred and thirteen. And the said additional sum of fifty per centum shall be charged, paid, collected, and accounted for, in like manner, by the same officers, subject, in all respects, to the same regulations and provisions, and with the same fines, penalties, forfeitures, and remedies, for breaches of the law, as in and by the said last mentioned act of Congress, and the act, entitled "An act to amend the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, and for other purposes," passed on the eighteenth day of April, in the year eighteen hundred and fourteen, are provided for charging, paying, and collecting, the original duties on the said licenses, respectively, to which the said sum of fifty per centum is hereby added and attached. And in case any license for carrying on the business of selling by retail, shall have been granted under the said act "laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," for a period extending beyond the first day of February next, the person to whom the same may have been granted, or transferred, shall, previous to the first day of May thereafter, make the like application required therein, which shall further specify such period, and shall pay to the proper collector a sum equal to such proportion of fifty per centum on the original duty imposed on such license, as said period bears to a year, the payment of which sum shall be endorsed on the license previously granted. And if any person shall, after the last mentioned day, deal in the selling of wines, distilled spirituous liquors, or merchandise, by retail, as defined in the said act, without having made such payment, such person shall, in addition to the payment of the additional duty hereby imposed, forfeit and pay the sum of one hundred and fifty dollars, to be recovered with cost of suit: *Provided*, That if any person to whom a license shall have been granted, according to the provisions of the act, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," and who shall have paid for the same, or shall have given bond for the payment of the same, shall, on or before the commencement of the operation of this act, discontinue the use of the privileges by said license granted, and shall give due notice thereof, to the collector of the internal revenues of the district in which such license shall have been granted, such license shall cease to be of force, and such person shall be holden to pay a sum proportionate to the time which shall have run from the time of granting said license to the first day of February next. And in case of actual payment for a term subsequent to the last mentioned day, shall be entitled to receive back, from the Treasury of the United States, such sum so paid for such subsequent time, from the day last mentioned.

SEC. 4. *And be it further enacted*, That the act of Congress, entitled "An act making further

Public Acts of Congress.

provision for the collection of internal duties, and for the appointment and compensation of assessors," passed on the second day of August, in the year one thousand eight hundred and thirteen, shall be and remain in force, and shall, in all its provisions, be applied for the purpose of laying, collecting, and securing, the duties by this act added or imposed, except as regards the rates of postage, as well with respect to the persons respectively liable to the payment thereof, as with respect to the officers employed in collecting and accounting for the same.

SEC. 5. *And be it further enacted*, That, towards establishing an adequate revenue to provide for the payment of the expenses of Government, for the punctual payment of the public debt, principal and interest, contracted and to be contracted, according to the terms of the contracts, respectively, and for creating an adequate sinking fund, gradually to reduce, and eventually to extinguish, the public debt, contracted and to be contracted; the internal rates and duties added, laid, and imposed by this act, and the internal rates and duties laid and imposed by the said several acts of Congress, entitled, respectively, "An act laying duties on sales at auction of merchandise, and ships and vessels;" "An act regulating the Post Office Establishment;" and "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise;" shall continue to be laid, levied, and collected, during the present war between the United States and Great Britain, and until the purposes aforesaid shall be completely accomplished, anything in the said acts of Congress to the contrary thereof, in anywise, notwithstanding. And for the effectual application of the revenue, to be raised by and from the said internal duties, to the purposes aforesaid, in due form of law, the faith of the United States is hereby pledged: *Provided always*, That whenever Congress shall deem it expedient to alter, reduce, or change, the said internal duties, or any or either of them, it shall be lawful so to do, upon providing and substituting, by law, at the same time, and for the same purposes, other duties which shall be equally productive with the duties so altered, reduced, or changed: *And provided further*, That nothing in this act contained shall be deemed or construed in anywise to rescind or impair any specific appropriation of the said duties, or any or either of them, heretofore made by law; but such appropriation shall remain and be carried into effect, according to the true intent and meaning of the law and laws making the same, anything in this act to the contrary thereof, in anywise, notwithstanding.

Approved, December 23, 1814.

An Act supplemental to the acts authorizing a loan for the several sums of twenty-five millions of dollars and three millions of dollars.

Be it enacted, &c., That the Secretary of the Treasury be and he is hereby authorized, with the approbation of the President of the United

States, to cause Treasury notes to be prepared, signed, and issued, for and in lieu of so much of the sum authorized to be borrowed on the credit of the United States, by the act of Congress, entitled "An act to authorize a loan for a sum not exceeding twenty-five millions of dollars," passed on the twenty-fourth day of March, in the year one thousand eight hundred and fourteen, and also for and in lieu of so much of the sum authorized to be borrowed on the credit of the United States, by the act of Congress, entitled "An act authorizing a loan for the sum of three millions of dollars," passed on the fifteenth day of November, in the year one thousand eight hundred and fourteen, as has not been borrowed, or otherwise employed in the issue of Treasury notes, according to law: *Provided always*, That the whole amount of Treasury notes issued by virtue of this act, for and in lieu of the residue of the said two sums as aforesaid, shall not exceed the sum of seven millions five hundred thousand dollars; and further, that the Treasury notes so issued shall be applied to the same uses to which the said two loans, authorized as aforesaid, were, respectively, by law made applicable.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be and he is hereby authorized, with the approbation of the President of the United States, to cause Treasury notes to be prepared, signed, and issued, for a further sum of three millions of dollars, to defray the expenses of the War Department, for the year one thousand eight hundred and fourteen, in addition to the sums heretofore appropriated by law for those purposes, respectively.

SEC. 3. *And be it further enacted*, That the Treasury notes to be issued by virtue of this act shall be prepared, signed, and issued, in the like form and manner, shall be reimbursable at the same places, and in the like periods, shall bear the same rate of interest; shall, in the like manner, be transferrable, and shall be equally receivable in payments to the United States for duties, taxes, and sales of public lands, as the Treasury notes issued by virtue of the act of Congress, entitled "An act to authorize the issuing of Treasury notes for the service of the year one thousand eight hundred and fourteen," passed on the fourth day of March, in the year aforesaid. And the Secretary of the Treasury, with the approbation of the President of the United States, shall have the like powers, in all respects, to prepare, issue, sell, pay, and distribute, the Treasury notes authorized to be issued by this act, or to borrow money on the pledge thereof, and to employ and pay an agent or agents for the purpose of making sale thereof, as were vested in him by the said last mentioned act of Congress, in relation to the Treasury notes therein and thereby authorized to be issued; and the forms and course of proceeding, in all respects, for paying, receiving, and accounting for, the Treasury notes issued by virtue of this act, shall be similar to those prescribed in and by the said last mentioned act of Congress in relation to the Treasury notes therein and thereby authorized to be issued.

Public Acts of Congress.

SEC. 4. *And be it further enacted*, That a sum equal to the whole amount of the Treasury notes issued by virtue of this act, to be paid out of any money in the Treasury, not otherwise appropriated, shall be, and the same is hereby appropriated for the payment and reimbursement of the principal and interest of such Treasury notes, according to contract; and the faith of the United States is hereby pledged to provide adequate funds for any deficiency in the appropriation hereby made.

SEC. 5. *And be it further enacted*, That a sum of forty thousand dollars, to be paid out of any money in the Treasury, not otherwise appropriated, be, and the same is hereby, appropriated for defraying the expense of preparing, printing, engraving, and signing, the said Treasury notes; the expense of employing agents to make sale thereof; and all other expenses incident to issuing the Treasury notes, as authorized by this act.

SEC. 6. *And be it further enacted*, That, if any person shall, with intent to injure or defraud the United States, or any person or corporation, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any note, in imitation of, or purporting to be, a Treasury note, or shall falsely alter, or cause or procure to be falsely altered, or wilfully aid or assist in falsely altering, any Treasury note, issued by virtue of this act, or shall pass, utter or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited note, purporting to be a Treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered Treasury note, issued as aforesaid, knowing the same to be falsely altered; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned for a period not less than three years, nor more than ten years, or imprisoned and kept to hard labor for a period not less than three years, nor more than ten years, and, in either case, be fined in a sum not exceeding five thousand dollars.

Approved, December 26, 1814.

An Act giving further time to locate certain claims to lands confirmed by an act of Congress, entitled "An act confirming certain claims to lands in the District of Vincennes."

Be it enacted, &c., That the several persons whose claims were confirmed by the act of Congress, entitled "An act confirming certain claims to lands in the district of Vincennes," approved the thirteenth day of February, one thousand eight hundred and thirteen, and which have not been located, are hereby authorized to enter their locations with the register of the land office at Vincennes, on any part of the tract set apart for that purpose in said district, by virtue of an act, entitled "An act respecting claims to lands in the

Indiana Territory and State of Ohio," and in conformity to the provisions of that act; and shall be entitled to receive their certificates and patents in the manner provided by the first mentioned act: *Provided*, That such locations shall be made prior to the first day of July next.

Approved, December 26, 1814.

An Act to provide for leasing certain lands reserved for the support of schools in the Mississippi Territory.

Be it enacted, &c., That the county court in each county in the Mississippi Territory shall be and is hereby authorized to appoint a number of agents, not exceeding five, who shall have power to let out, on lease, for the purpose of improving the same, the sections of land reserved by Congress for the support of schools, lying within the county for which the agents respectively are appointed, or to let them out at an annual rent, as they shall judge proper. And it shall be the duty of the said agents, under the direction of the county courts respectively, to apply with impartiality the proceeds arising from the rents of each section as aforesaid to the purposes of education, and to no other use whatsoever, within the particular township of six miles square, or fractional township, wherein such section is situated, in such manner that all the citizens residing therein may partake of the benefit thereof, according to the true intent of the reservation made by Congress.

SEC. 2. *And be it further enacted*, That, for the purpose of forming the aforesaid sections into convenient forms, the said agents shall have power to lay off the same into lots of not less than one hundred and six acres, nor more than three hundred and twenty acres, except in case of fractional sections; and in every case, whether of leases for the improvement of the lots, or for an annual rent, the lessee shall be bound, in a suitable penalty, not to commit waste on the premises by destroying of timber or removing stone, or any other injury to the lands whatever.

SEC. 3. *And be it further enacted*, That the said agents shall have full power within their respective counties, when and so often as they think proper, by legal process, to remove any person or persons from the possession of any of the aforesaid reserved sections, when such person or persons have not taken a lease, and refuse or neglect to take the same. And it shall, moreover, be the duty of the said agents to inspect and inquire into any waste or trespass committed on any of the reserved sections aforesaid, by cutting and carrying off timber or stone, or any other damage that may be done to the same, whether by persons residing thereon or others. And the said agents are hereby authorized, when waste or trespass shall be committed, to proceed against the person or persons committing the same, according to the laws in such case made and provided; and actions in the cases aforesaid shall be sustained by the agents, and the damages recovered shall be one-half to the use of such agents, and the other half to be applied to the same purpose as the pro-

Public Acts of Congress.

ceeds of rents from the land on which the damage was sustained.

SEC. 4. *And be it further enacted*, That, for each lease executed by the agents, they shall be entitled to receive the sum of two dollars, to be paid by the lessees, respectively.

SEC. 5. *And be it further enacted*, That every lease which may be granted in virtue of this act shall be limited to the period of the termination of the Territorial form of government in the said Territory, and shall cease to have any force or effect after the first day of January next succeeding the establishment of a State government therein: *Provided*, That outstanding rents may be collected, and damages for waste or trespass may be recovered, in the same manner as if the leases continued in full force.

Approved, January 9, 1815.

An Act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same.

Be it enacted, &c., That a direct tax of six millions of dollars be and is hereby annually laid upon the United States; and the same shall be and is hereby apportioned to the States, respectively, in manner following:

To the State of New Hampshire, one hundred and ninety-three thousand five hundred and eighty-six dollars and seventy-four cents.

To the State of Massachusetts, six hundred and thirty two thousand five hundred and forty-one dollars and ninety-six cents.

To the State of Rhode Island, sixty-nine thousand four hundred and four dollars and thirty-three cents.

To the State of Connecticut, two hundred and thirty-six thousand three hundred and forty-five dollars and forty-two cents.

To the State of Vermont, one hundred and ninety six thousand six hundred and eighty-seven dollars and forty-two cents.

To the State of New York, eight hundred and sixty thousand two hundred and eighty-three dollars and twenty-four cents.

To the State of New Jersey, two hundred and seventeen thousand seven hundred and forty-three dollars and sixty-six cents.

To the State of Pennsylvania, seven hundred and thirty thousand nine hundred and fifty-eight dollars and thirty-two cents.

To the State of Delaware, sixty-four thousand ninety-two dollars and fifty cents.

To the State of Maryland, three hundred and three thousand two hundred and forty-seven dollars and eighty-eight cents.

To the State of Virginia, seven hundred and thirty eight thousand thirty-six dollars and eighty-eight cents.

To the State of Kentucky, three hundred and thirty-seven thousand eight hundred and fifty-seven dollars and fifty-two cents.

To the State of Ohio, two hundred and eight

thousand three hundred dollars and twenty-eight cents.

To the State of North Carolina, four hundred and forty thousand four hundred and seventy-six dollars and fifty-six cents.

To the State of Tennessee, two hundred and twenty thousand, one hundred and seventy-three dollars and ten cents.

To the State of South Carolina, three hundred and three thousand eight hundred and ten dollars and ninety six cents.

To the State of Georgia, one hundred and eighty-nine thousand eight hundred and seventy-two dollars and ninety-eight cents. And,

To the State of Louisiana, fifty-six thousand five hundred and ninety dollars and twenty-two cents.

SEC. 2. *And be it further enacted*, That, from and after the passage of this act, the act of Congress, entitled "An act for the assessment and collection of direct taxes and internal duties," passed on the twenty-second day of July, one thousand eight hundred and thirteen, shall be and the same is hereby repealed, except so far as the same respects the collection districts therein and thereby established and defined, so far as the same respects internal duties, and so far as the same respects the appointment and qualifications of the collectors and principal assessors therein and thereby authorized and required; in all which respects, so excepted, as aforesaid, the said act shall be and continue in force for the purposes of this act: *Provided always*, That, for making and completing the assessment and collection of the direct tax laid by virtue of the act of Congress, entitled "An act to lay and collect a direct tax within the United States," passed on the second day of August, one thousand eight hundred and thirteen, the said first-mentioned act of Congress shall be and continue in full force, anything in this act to the contrary thereof in any wise notwithstanding.

SEC. 3. *And be it further enacted*, That each of the principal assessors heretofore appointed, or hereafter appointed, shall divide his district into a convenient number of districts, within each of which he shall appoint one respectable freeholder to be assistant assessor: *Provided*, That the Secretary of the Treasury shall be and is hereby authorized to reduce the number of assessment districts, in any collection district, in any State, if the number shall appear to him to be too great. And the principal assessors, respectively, and each assistant assessor, so appointed and accepting the appointment, shall, before he enters on the duty of his appointment under this act, take and subscribe before some competent magistrate, or some collector of the direct tax and internal duties, (who is hereby empowered to administer the same,) the following oath or affirmation, to wit: "I, ———, do swear (or affirm, as the case may be) that I will, to the best of my knowledge, skill, and judgment, diligently and faithfully execute the office and duties of principal assessor (or assistant assessor, as the case may be) for (naming the district,) without favor or partiality; and that I will do equal right and justice in every case in which I

Public Acts of Congress.

shall act as principal assessor (or assistant assessor, as the case may be.") And a certificate of such oath or affirmation shall be delivered to the collector of the district for which such assessor shall be appointed; and every principal or assistant assessor acting in the said office, without having taken the said oath or affirmation, shall forfeit and pay one hundred dollars—one moiety to the use of the United States, and the other to him who shall first sue for the same—to be recovered, with costs of suit, in any court having competent jurisdiction.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury shall establish regulations suitable and necessary for carrying this act into effect; which regulations shall be binding on each principal assessor and his assistants, in the performance of the duties enjoined by or under this act; and shall also frame instructions for the said principal assessors and their assistants; pursuant to which instructions the said principal assessors shall, on the first day of February next, direct and cause the several assistant assessors in the district to inquire after and concerning all lands, lots of ground, with their improvements, dwelling-houses, and slaves, made liable to taxation under this act, by reference as well to any lists of assessment or collection taken under the laws of the respective States, as to any other records or documents, and by all other ways and means, and to value and enumerate the said objects of taxation, in the manner prescribed by this act, and in conformity with the regulations and instructions above-mentioned. And it shall be further lawful for the Secretary of the Treasury to direct all errors committed in the assessment, valuation, and tax lists, or in the collection thereof, heretofore or hereafter made in the valuation, assessment, and tax lists, of the direct tax, laid by virtue of the said act of Congress, entitled "An act to lay and collect a direct tax within the United States," and also, all such errors as may, from time to time, be committed in the assessment, valuation, and tax lists, or in the collection thereof, as may hereafter be made in the assessment of the direct tax by this act laid; to be corrected, in such form, and upon such evidence, as the said Secretary shall prescribe and approve.

SEC. 5. *And be it further enacted*, That the said direct tax, laid by this act, shall be assessed and laid on the value of all lands and lots of ground, with their improvements, dwelling-houses, and slaves; which several articles, subject to taxation, shall be enumerated and valued by the respective assessors at the rate each of them is worth in money: *Provided, however*, That all property, of whatever kind, coming within any of the foregoing descriptions, and belonging to the United States, or any State, or permanently or specially exempted from taxation by the laws of the State wherein the same may be situated, existing at the time of the passage of this act, shall be exempted from the aforesaid enumeration and valuation, and from the direct tax aforesaid: *And provided, also*, That nothing

herein contained shall be construed to exempt from enumeration and valuation, and the payment of the direct tax, any public lands which heretofore have been, or hereafter may be, sold in the States of Ohio and Louisiana, under any law of the United States, the compact between the United States and the said States to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, That the respective assistant assessors shall, immediately after being required, as aforesaid, by the principal assessors, proceed through every part of their respective districts, and shall require all persons owning, possessing, or having the care or management of, any lands, lots of ground, dwelling-houses, or slaves, lying and being within the collection district where they reside, and liable to a direct tax as aforesaid, to deliver written lists of the same, which lists shall be made in such manner as may be directed by the principal assessor, and, as far as practicable, conformably to those which may be required for the same purpose under the authority of the respective States: *Provided always, nevertheless, and it is hereby further enacted and declared*, That the valuations and assessments heretofore made and completed, or to be made and completed, by virtue of the said act of Congress, entitled "An act for the assessment and collection of direct taxes and internal duties," and the said act of Congress, entitled "An act to lay and collect a direct tax within the United States," in relation to the several States wherein the same has been assessed or is assessing, shall be and remain the valuations and assessments for the said States, respectively, subject only to the revision, equalization, and apportionment, among the several counties and State districts, by the board of principal assessors hereinafter constituted, to be made as is hereinafter directed, for the purpose of levying and collecting annually the direct tax by this act laid, in the manner hereinafter provided, until provision shall be made by law for altering, modifying, or abolishing, the same. And the principal assessors, in the said several States wherein a direct tax has heretofore been assessed as aforesaid, shall, at the time and times herein and hereby prescribed for making the valuation and assessment in the States wherein a direct tax has not heretofore been assessed, (in consequence of the legislative assumption of the quotas of the direct tax by such States, respectively,) proceed to revise, and shall revise, their several and respective valuations, assessments, and tax lists, correcting therein all errors, and supplying all omissions, which have been or shall be therein discovered and ascertained. And in making the said revisal as aforesaid, it shall be the duty of the said principal assessors to inquire and ascertain what transfers and changes of property in lands, lots of ground, dwelling-houses, and slaves, have been made and effected, since the time of the original valuation and assessment aforesaid; and also what changes of residents and non-residents have occurred; and also what slaves have been born, or have died, or have runaway, or become otherwise useless;

Public Acts of Congress.

and also what houses, or other improvements of real estate, have been burned or otherwise destroyed; and thereupon to make such changes, additions, or reductions, in the said valuations and assessments, respectively, as truth and justice shall require. And, for the purpose of making the said revisal as aforesaid, of the said valuations, assessments, and tax lists, the principal assessors shall take and pursue all lawful measures, by the examination of records, by the information of the parties in writing, or by any other satisfactory evidence or proof. And, in case of any alteration made upon such revisal, affecting the property or interests of any person, so as to charge such person with any greater amount of tax, or to transfer the charge of the tax from one person to another person, there shall be the like proceedings as is herein provided in the case of appeals upon an original assessment. And the principal assessors, after hearing such appeals, shall proceed to make out and to deliver revised lists of their valuations and assessments, respectively, to the board of principal assessors, to be constituted as is hereinafter mentioned. And thereupon, the said board of principal assessors shall proceed in the like manner as is hereinafter provided in the case of an original assessment, submitted to the said board of principal assessors, for the purpose of an equalization and apportionment of the direct tax by this act laid to and among the counties and State districts of the States, respectively.

SEC. 7. *And be it further enacted*, That if any person owning, possessing, or having the care or management of, property liable to a direct tax, as aforesaid, shall not be prepared to exhibit a written list when required as aforesaid, and shall consent to disclose the particulars of any and all the land and lots of ground, with their improvements, dwelling-houses, and slaves, taxable as aforesaid, then and in that case it shall be the duty of the officer to make such list, which, being distinctly read and consented to, shall be received as the list of such person.

SEC. 8. *And be it further enacted*, That if any such person shall deliver or disclose to any assessor appointed in pursuance of this act, and requiring a list or lists, as aforesaid, any false or fraudulent list, with intent to defeat or evade the valuation or enumeration hereby intended to be made, such person so offending, and being thereof convicted, before any court having competent jurisdiction, shall be fined in a sum not exceeding five hundred dollars, at the discretion of the court, and shall pay all costs and charges of prosecution; and the valuation and enumeration required by this act, shall, in all such cases, be made as aforesaid, upon lists according to the form above described, to be made out by the assessors, respectively, which lists the said assessors are hereby authorized and required to make, according to the best information they can obtain; and for the purpose of making which they are hereby authorized to enter into and upon all and singular the premises, respectively, and from the valuation and enumeration so made there shall be no appeal.

SEC. 9. *And be it further enacted*, That, in case any person shall be absent from his place of residence at the time an assessor shall call to receive the list of such person, it shall be the duty of such assessor to leave, at the house or place of residence of such person, a written note or memorandum, requiring him to present to such assessor the list or lists required by this act, within ten days from the date of such note or memorandum.

SEC. 10. *And be it further enacted*, That if any person, on being notified or required as aforesaid, shall refuse or neglect to give such list or lists as aforesaid, within the time required by this act, it shall be the duty of the assessor for the assessment district within which such person shall reside, and he is hereby authorized and required, to enter into and upon the lands, dwelling-houses, and premises, if it be necessary, of such persons so refusing or neglecting, and to make, according to the best information which he can obtain, and on his own view and information, such lists of the lands and lots of ground, with their improvements, dwelling-houses, and slaves, owned or possessed, or under the care or management of such person, as are required by this act; which lists, so made and subscribed by such assessor, shall be taken and reputed as good and sufficient lists of the persons and property for which such person is to be taxed for the purposes of this act: and the person so failing or neglecting, unless in case of sickness or absence from home, shall, moreover, forfeit and pay the sum of one hundred dollars, to be recovered, for the use of the United States, with costs of suit, in any court having competent jurisdiction.

SEC. 11. *And be it further enacted*, That whenever there shall be, in any assessment district, any property, lands, and lots of ground, dwelling-houses or slaves, not owned or possessed by, or under the care or management of, any person or persons within such district, and liable to be taxed as aforesaid, and no list of which shall be transmitted to the principal assessor in the manner provided by this act, it shall be the duty of the assessor for such district, and he is hereby authorized and required, to enter into and upon the real estate, if it be necessary, and take such view thereof, and of the slaves, of which lists are required, and to make lists of the same, according to the form prescribed by this act; which lists, being subscribed by the said assessor, shall be taken and reputed as good and sufficient lists of such property, under and for the purposes of this act.

SEC. 12. *And be it further enacted*, That the owners, possessors, or persons, having the care or management of lands, lots of ground, dwelling-houses, and slaves, not lying or being within the assessment district in which they reside, shall be permitted to make out and deliver the list thereof required by this act, provided the assessment district in which the said objects of taxation lie, or be, is therein distinctly stated, at the time and in the manner prescribed, to the assessor of the assessment district wherein such persons reside. And it shall be the duty of the assistant assessors,

Public Acts of Congress.

in all such cases, to transmit such lists, at the time and in the manner prescribed for the transmission of the lists of the objects of taxation lying and being within their respective assessment districts, to the principal assessor of their collection district, whose duty it shall be to transmit them to the principal assessor of the collection district wherein the said objects of taxation shall lie or be, immediately after the receipt thereof, and the said lists shall be valid and sufficient for the purposes of this act; and on the delivery of every such list, the person making and delivering the same shall pay to the assistant assessor one dollar; one-half whereof he shall retain to his own use, and the other half thereof he shall pay over to the principal assessor of the district, for the use of such principal assessor.

SEC. 13. And be it further enacted, That the lists aforesaid shall be taken with reference to the day fixed for that purpose by this act as aforesaid; and the assistant assessors, respectively, after collecting the said lists, shall proceed to arrange the same, and to make two general lists; the first of which shall exhibit, in alphabetical order, the names of all persons liable to pay a tax under this act, residing within the assessment district, together with the value and assessment of the objects liable to taxation within such district, for which each such person is liable, and, whenever so required by the principal assessor, the amount of direct tax payable by each person, on such objects, under the State laws imposing direct taxes; and the second list shall exhibit, in alphabetical order, the names of all persons residing out of the collection district, owners of property within the district, together with the value and assessment thereof, or the amount of direct tax due thereon, as aforesaid. The forms of the said general lists shall be devised and prescribed by the principal assessor; and lists taken according to such form shall be made out by the assistant assessors, and delivered to the principal assessor, within sixty days after the day fixed by this act, as aforesaid, requiring lists from individuals. And if any assistant assessor shall fail to perform any duty assigned by this act, within the time prescribed by his precept, warrant, or other legal instructions, not being prevented therefrom by sickness, or other unavoidable accident, every such assessor shall be discharged from office; and shall, moreover, forfeit and pay two hundred dollars, to be recovered, for the use of the United States, in any court having competent jurisdiction, with cost of suit.

SEC. 14. And be it further enacted, That, immediately after the valuations and enumerations shall have been completed, as aforesaid, the principal assessor in each collection district shall, by advertisement in some public newspaper, if any there be in such district, and by written notifications, to be publicly posted up, in at least four of the most public places, in each assessment district, advertise all persons concerned, of the place where the said lists, valuations, and enumerations may be seen and examined; and that, during

twenty-five days after the publication of the notifications as aforesaid, appeals will be received and determined by him, relative to any erroneous or excessive valuations or enumerations by the assessor. And it shall be the duty of the principal assessor in each collection district, during twenty-five days after the date of publication, to be made as aforesaid, to submit the proceedings of the assessors, and the lists by them received, or taken as aforesaid, to the inspection of any and all persons who shall apply for that purpose; and the said principal assessors are hereby authorized to receive, hear, and determine, in a summary way, according to law and right, upon any and all appeals which may be exhibited against the proceedings of the said assessors: *Provided, always,* That it shall be the duty of said principal assessors to advertise and attend two successive days of the said twenty-five, at the court-house of each county within his assessment district, there to receive and determine upon the appeals aforesaid: *And provided, always,* That the question to be determined by the principal assessor, on an appeal respecting the valuation of property, shall be, whether the valuation complained of be, or be not, in a just relation or proportion to other valuations in the same assessment district. And all appeals to the principal assessors, as aforesaid, shall be made in writing, and shall specify the particular cause, matter, or thing, respecting which a decision is requested, and shall, moreover, state the ground or principle of inequality or error complained of. And the principal assessor shall have power to re-examine and equalize the valuations, as shall appear just and equitable; but no valuation shall be increased, without a previous notice of at least five days to the party interested, to appear and object to the same, if he judge proper; which notice shall be given by a note in writing, to be left at the dwelling-house of the party, by such assessor as the principal assessor shall designate for that purpose.

SEC. 15. And be it further enacted, That whenever a county or State district shall contain more than one assessment district, the principal assessor shall have power, on examination of the lists rendered by the assistant assessors, according to the provisions of this act, to revise, adjust, and equalize the valuation of lands and lots of ground, with their improvements, dwelling-houses, and slaves, between such assessment districts, by deducting from, or adding to, either, such a rate per centum as shall appear just and equitable.

SEC. 16. And be it further enacted, That the principal assessor shall, immediately after the expiration of the time for hearing and deciding appeals, make out correct lists of the valuation and enumeration in each assessment district, and deliver the same to the board of principal assessors hereinafter constituted, in and for the States, respectively. And it shall be the duty of the principal assessors, in each State, to convene, in general meeting, at such time and place as shall be appointed and directed by the Secretary of the Treasury. And the said principal assessors, or a majority of them, so convened, shall constitute, and they are hereby constituted, a board of prin-

Public Acts of Congress.

principal assessors for the purposes of this act, and shall make and establish such rules and regulations as to them shall appear necessary for carrying such purposes into effect, not being inconsistent with this act, or the laws of the United States.

SEC. 17. *And be it further enacted,* That the said board of principal assessors, convened and organized as aforesaid, shall and may appoint a suitable person or persons, to be their clerk or clerks, who shall hold his or their office, or offices, at the pleasure of the said board of principal assessors, and whose duty it shall be to receive, record, and preserve all tax lists, returns, and other documents, delivered and made to the said board of principal assessors, and who shall take an oath or affirmation, (if conscientiously scrupulous of taking an oath,) faithfully to discharge his or their trust; and in default of taking such oath or affirmation, previous to entering on the duties of such appointment, or on failure to perform any part of the duties enjoined on him or them, respectively, by this act, he or they shall, respectively, forfeit and pay the sum of two hundred dollars, for the use of the United States, to be recovered in any court having competent jurisdiction, and shall also be removed from office.

SEC. 18. *And be it further enacted,* That it shall be the duty of the said clerks to record the proceedings of the said board of principal assessors, and to enter on the record the names of such of the principal assessors as shall attend any general meeting of the board of principal assessors for the purposes of this act. And if any principal assessor shall fail to attend such general meeting, his absence shall be noted on the said record, and he shall, for every day he may be absent therefrom, forfeit and pay the sum of ten dollars, for the use of the United States. And if any principal assessor shall fail or neglect to furnish the said board of principal assessors, with the lists of valuation and enumeration of each assessment district within his collection district, within three days after the time appointed, as aforesaid, for such general meeting of the said board of principal assessors, he shall forfeit and pay the sum of five hundred dollars, for the use of the United States, and moreover shall forfeit his compensation as principal assessor. And it shall be the duty of the clerks of the said board of principal assessors to certify, to the Secretary of the Treasury, an extract of the minutes of the board, showing such failures or neglect, which shall be sufficient evidence of the forfeiture of such compensation, to all intents and purposes: *Provided, always,* That it shall be in the power of the Secretary of the Treasury to exonerate such principal assessor or assessors from the forfeiture of the said compensation, in whole or in part, as to him shall appear just and equitable.

SEC. 19. *And be it further enacted,* That if the said board of principal assessors shall not, within three days after the first meeting thereof, as aforesaid, be furnished with all the lists of valuation of the several counties and State districts of any State or States, they shall, nevertheless, proceed to make out the equalization and apportionment

by this act directed, and they shall assign to such counties and State districts, the valuation lists of which shall not have been furnished, such valuation as they shall deem just and right; and the valuation thus made to such counties and State districts, by the board of principal assessors, shall be final, and the proper quota of direct tax shall be, and is hereby declared to be, imposed thereon accordingly.

SEC. 20. *And be it further enacted,* That it shall be the duty of the said board of principal assessors, diligently and carefully to consider and examine the said lists of valuation, as well in relation to the States which have been heretofore assessed, as in relation to the States which have not been heretofore assessed, for the direct tax for the year one thousand eight hundred and fourteen, and they shall have power to revise, adjust, and equalize the valuation of property in any county or State district, by adding thereto, or deducting therefrom, such a rate per centum as shall render the valuation of the several counties and State districts just and equitable: *Provided,* The relative valuation of property in the same county shall not be changed, unless manifest error or imperfection shall appear in any of the lists of valuation, in which case the said board of principal assessors shall have power to correct the same, as to them shall appear just and right. And if, in consequence of any revisal, change, and alteration of the said valuation, any inequality shall be produced in the apportionment of the said direct tax to the several States, as aforesaid, it shall be the duty of the Secretary of the Treasury to report the same to Congress, to the intent that provision may be made by law for rectifying such inequality.

SEC. 21. *And be it further enacted,* That, as soon as the said board of principal assessors shall have completed the adjustment and equalization of the valuation aforesaid, they shall proceed to apportion to each county and State district its proper quota of direct tax, and they shall lay the same upon all the subjects of direct taxation herein prescribed, within their respective counties and State districts, according to the provisions of this act, so as to raise upon each county or State district, a quota of taxes bearing the same proportion to the whole direct tax imposed on the State, as the valuation of such county or State district bears to the valuation of the State. And the said board of principal assessors shall, within twenty days after the time appointed by the Secretary of the Treasury for their first meeting, complete the said apportionment, and shall record the same; they shall thereupon further deliver to each principal assessor a certificate of such apportionment, together with the general lists by the principal assessors respectively presented to the board as aforesaid, and transmit to the Secretary of the Treasury a certificate of the apportionment by them made as aforesaid; and the principal assessors, respectively, shall thereupon proceed to revise their respective lists, and alter and make the same in all respects conformable to the apportionment aforesaid by the said board of principal

Public Acts of Congress.

assessors; and the said principal assessors, respectively, shall make out lists containing the sums payable, according to the provisions of this act, upon every object of taxation in and for each collection district; which lists shall contain the name of each person residing within the said district, owning, or having the care or superintendence of, property lying within the said district, which is liable to the said tax, when such person or persons are known, together with the sums payable by each; and where there is any property within any collection district, liable to the payment of the said tax, not owned or occupied by or under the superintendence of any person resident therein, there shall be a separate list of such property, specifying the sum payable, and the names of the respective proprietors, where known. And the said principal assessors shall furnish, to the collector of the several collection districts respectively, within thirty-five days after the apportionment is completed as aforesaid, a certified copy of such list or lists for their proper collection districts. And in default of performance of the duties enjoined on the board of assessors and principal assessors, respectively, by this section, they shall, severally and individually, forfeit and pay the sum of five hundred dollars, to the use of the United States, to be recovered in any court having competent jurisdiction: *And it is hereby enacted and declared*, That the valuation, assessment, equalization, and apportionment, made by the said board of principal assessors, as aforesaid, shall be and remain in full force and operation for laying, levying, and collecting, yearly and every year, the annual direct tax by this act laid and imposed, until altered, modified, or abolished by law.

SEC. 22. *And be it further enacted*, That each collector, on receiving a list as aforesaid, from the said principal assessors, respectively, shall subscribe three receipts, one of which shall be given on a full and correct copy of such list, which list shall be delivered by him to, and shall remain with, the principal assessor of his collection district, and shall be open to the inspection of any person who may apply to inspect the same, and the other two receipts shall be given on aggregate statements of the lists aforesaid, exhibiting the gross amount of taxes to be collected in each county or State district contained in the collection district, one of which aggregate statements and receipts shall be transmitted to the Secretary, and the other to the Comptroller, of the Treasury.

SEC. 23. *And be it further enacted*, That each collector, before receiving any list, as aforesaid, for collection, shall give bond, with one or more good and sufficient sureties, to be approved by the Comptroller of the Treasury, in the amount of the taxes assessed in the collection district, for which he has been or may be appointed, which bond shall be payable to the United States, with condition for the true and faithful discharge of the duties of his office, according to law, and particularly for the due collection and payment of all moneys assessed upon such district; and the

said bond shall be transmitted to, and deposited in, the office of the Comptroller of the Treasury: *Provided always*, That nothing herein contained shall be deemed to annul, or in anywise to impair, the obligation of the bond heretofore given by any collector; but the same shall be and remain in full force and virtue, anything in this act to the contrary thereof, in any wise, notwithstanding.

SEC. 24. *And be it further enacted*, That the annual amount of taxes so assessed, shall be and remain a lien upon all lands and other real estate, and all slaves, of the individuals who may be assessed for the same, during two years after the time it shall annually become due and payable; and the said lien shall extend to each and every part of all tracts or lots of land, or dwelling-houses, notwithstanding the same may have been divided or alienated in part.

SEC. 25. *And be it further enacted*, That each collector shall be authorized to appoint, by an instrument of writing under his hand and seal, as many deputies as he may think proper, assigning to each deputy, by that instrument of writing, such portion of his collection district as he may think proper, and also to revoke the powers of any deputy, giving public notice thereof in that portion of the district assigned to such deputy; and such deputy shall have the like authority, in every respect, to collect the direct tax, so assessed within the portion of the district assigned to him, which is by this act vested in the collector himself; but each collector shall, in every respect, be responsible, both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done, as deputy collector, by any of his deputies, whilst acting as such: *Provided*, That nothing herein contained shall prevent any collector from collecting, himself, the whole, or any part, of the tax so assessed, and payable in his district.

SEC. 26. *And be it further enacted*, That each of the said collectors, or his deputies, shall, within ten days after receiving his collection list from the principal assessors, respectively, as aforesaid, and, annually, within ten days after he shall be so required by the Secretary of the Treasury, advertise, in one newspaper printed in his collection district, if any there be, and by notifications to be posted up in at least four public places in his collection district, that the said tax has become due and payable, and state the times and places at which he or they will attend to receive the same, which shall be within twenty days after such notification; and, with respect to persons who shall not attend, according to such notifications, it shall be the duty of each collector, in person or by deputy, to apply once, at their respective dwellings, within such district, and there demand the taxes payable by such persons, which application shall be made within sixty days after the receipt of the collection lists, as aforesaid, or after the receipt of the requisition of the Secretary of the Treasury, as aforesaid, by the collectors; and if the said taxes shall not be then paid, or within twenty days thereafter, it shall be law-

Public Acts of Congress.

ful for such collector, or his deputies, to proceed to collect the said taxes by distress and sale of the goods, chattels, or effects, of the persons delinquent, as aforesaid. And, in case of such distress, it shall be the duty of the officer charged with the collection, to make, or cause to be made, an account of the goods or chattels which may be distrained, a copy of which, signed by the officer making such distress, shall be left with the owner or possessor of such goods, chattels, or effects, or at his or her dwelling, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be publicly posted up at two of the taverns nearest the residence of the person whose property shall be distrained, or at the court-house of the same county, if not more than ten miles distant, which notice shall specify the articles distrained, and the time and place proposed for the sale thereof, which time shall not be less than ten days from the date of such notification, and the place proposed for sale not more than five miles distant from the place of making such distress: *Provided*, That, in any case of distress, for the payment of the duties aforesaid, the goods, chattels, or effects, so distrained, shall and may be restored to the owner or possessor, if, prior to the sale thereof, payment, or tender thereof, shall be made to the proper officer charged with the collection, of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expense of removing and keeping the goods, chattels, or effects, so distrained, as may be allowed in like cases by the laws or practice of the State wherein the distress shall have been made; but, in case of non-payment or tender as aforesaid, the said officer shall proceed to sell the said goods, chattels, or effects, at public auction, and shall and may retain from the proceeds of such sale, the amount demandable for the use of the United States, with the necessary and reasonable expenses of distress and sale, and a commission of five per centum thereon, for his own use, rendering the overplus, if any there be, to the person whose goods, chattels, or effects, shall have been distrained: *Provided*, That it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plough necessary for the cultivation of improved lands, arms, or household furniture, or apparel necessary for a family.

SEC. 27. *And be it further enacted*, That whenever goods, chattels, or effects, sufficient to satisfy any tax upon dwelling-houses or lands, and their improvements, owned, occupied, or superintended, by persons known or residing within the same collection district, cannot be found, the collector having first advertised the same for thirty days in a newspaper printed within the collection district, if such there be, and having posted up, in at least ten public places within the same, a notification of the intended sale, thirty days previous thereto, shall proceed to sell, at public sale, so much of the said property as may be necessary to satisfy the taxes due thereon, together with an addition of twenty per centum to the said taxes.

But in all cases where the property liable to a direct tax under this act, or the said act of Congress, entitled "An act to lay and collect a direct tax within the United States," shall not be divisible, so as to enable the collector, by a sale of part thereof, to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the tax, costs, charges, and commissions, shall be paid to the owner of the property, or his legal representatives, or if he or they cannot be found, or refuse to receive the same, then such surplus shall be deposited in the Treasury of the United States, to be there held for the use of the owner, or his legal representatives, until he or they shall make application therefor to the Secretary of the Treasury, who, upon such application, shall, by warrant on the Treasurer, cause the same to be paid to the applicant. And if the property advertised for sale as aforesaid, cannot be sold for the amount of the tax due thereon, with the said additional twenty per centum thereto, the collector shall purchase the same in behalf of the United States for the amount aforesaid: *Provided*, That the owner or superintendent of the property aforesaid, after the same shall have been as aforesaid advertised for sale, and before it shall have been actually sold, shall be allowed to pay the amount of the tax thereon, with an addition of ten per centum on the same, on the payment of which the sale of the said property shall not take place: *Provided also*, That the owners, their heirs, executors, or administrators, or any person on their behalf, shall have liberty to redeem the lands and other property sold as aforesaid, within two years from the time of sale, upon payment to the collector, for the use of the purchaser, his heirs, or assigns, of the amount paid by such purchaser, with interest for the same, at the rate of twenty per centum per annum; and no deed shall be given in pursuance of such sale, until the time of redemption shall have expired. And the collector shall render a distinct account of the charges incurred in offering and advertising for sale such property, and shall pay into the Treasury the surplus, if any there be, of the aforesaid addition of twenty per centum, or ten per centum, as the case may be, after defraying the charges. And in every case of the sale of real estate, which has been made under the said act of Congress for the assessment and collection of direct taxes and internal duties, or which shall be made under the authority of this act, by the collectors or marshals, respectively, or their lawful deputies, respectively, or by any other person or persons, the deeds for the estate so sold shall be prepared, made, executed, and proved, or acknowledged, at the time and times prescribed, in this act, by the collectors, respectively, within whose collection district such real estate shall be situated, in such form of law as shall be authorized and required by the laws of the United States, or by the law of the State in which such real estate lies, for making, executing, proving, and acknowledging, deeds of

Public Acts of Congress.

bargain and sale, or other conveyances for the transfer and conveyance of real estate. And for every deed, so prepared, made, executed, proved, and acknowledged, the purchaser or grantee shall pay to the collector the sum of five dollars for the use of the collector, marshal, or other person, effecting the sale of the real estate thereby conveyed.

SEC. 28. *And be it further enacted*, That, with respect to the property lying within any collection district, not owned, or occupied, or superintended, by some person residing in such collection district, and on which the tax shall not have been paid to the collector within ninety days after the day on which he shall have received the collection list from the said principal assessors, respectively, as aforesaid, or the requisition of the Secretary of the Treasury, as aforesaid, the collector shall transmit lists of the same to one of the collectors within the same State, to be designated for that purpose by the Secretary of the Treasury: and the collector, who shall have been thus designated by the Secretary of the Treasury, shall transmit receipts for all the lists received, as aforesaid, to the collector transmitting the same. And the collectors thus designated in each State by the Secretary of the Treasury, shall cause notifications of the taxes due as aforesaid, and contained in the lists thus transmitted to them, to be published, for sixty days, in at least one of the newspapers published in the State; and the owners of the property on which such taxes may be due, shall be permitted to pay to such collector the said tax, with an addition of ten per centum thereon: *Provided*, That such payment is made within one year after the day on which the collector of the district where such property lies, had notified that the tax had become due on the same.

SEC. 29. *And be it further enacted*, That when any tax, as aforesaid, shall have remained unpaid for the term of one year, as aforesaid, the collector in the State where the property lies, and who shall have been designated by the Secretary of the Treasury as aforesaid, having first advertised the same for sixty days, in at least one newspaper in the State, shall proceed to sell, at public sale, so much of the said property as may be necessary to satisfy the taxes due thereon, together with an addition of twenty per centum thereon; or if such property is not divisible, as aforesaid, the whole thereof shall be sold and accounted for in manner hereinbefore provided. If the property advertised for sale cannot be sold for the amount of the tax due thereon, with the said addition thereon, the collector shall purchase the same in behalf of the United States, for such amount and addition. And the collector shall render a distinct account of the charges incurred in offering and advertising for sale such property, and pay into the Treasury the surplus, if any, of the aforesaid addition of ten or twenty per centum, as the case may be, after defraying the said charges.

SEC. 30. *And be it further enacted*, That the collectors, designated, as aforesaid, by the Secre-

tary of the Treasury, shall deposite with the clerks of the district court of the United States, in the respective States, and within which district the property lies, correct lists of the tracts of land, or other real property, sold by virtue of this act for non-payment of taxes, together with the names of the owners, or presumed owners, or the purchasers, of the same, at the public sales aforesaid, and of the amount paid by such purchasers for the same; the owners, their heirs, executors, or administrators, or any person in their behalf, shall have liberty to redeem the lands or other property sold as aforesaid, within two years from the time of sale, upon payment, to the clerk aforesaid, for the use of the purchaser, his heirs, or assigns, of the amount paid by such purchaser for the said land, or other real property, with interest for the same, at the rate of twenty per centum per annum, and of a commission of five per centum on such payment, for the use of the clerk aforesaid. The clerk shall, on application, pay to the purchasers the money thus paid for their use; and the collectors, respectively, shall give deeds for the lands or property aforesaid, to the purchasers entitled to the same, in all cases where the same shall not have been redeemed within two years, as aforesaid, by the original owners thereof, or their legal representatives. And the said clerks shall be entitled to receive from the purchaser, for his own use, the sum of one dollar, in addition to the sum hereinbefore made payable to the collector, for every such deed, to be paid on the delivery thereof to such purchasers. And in all cases where lands may be sold under this act for the payment of taxes, belonging to infants, persons of insane mind, married women, or persons beyond sea, such persons shall have the term of two years, after their respective disabilities shall have been removed, or their return to the United States, to redeem lands thus sold, on their paying into the clerk's office aforesaid the amount paid by the purchaser, together with ten per centum per annum; and on their payment to the purchaser of the land aforesaid, a compensation for all improvements he may have made on the premises, subsequent to his purchase, the value of which improvements to be ascertained by three or more neighboring freeholders, to be appointed by the clerk aforesaid, who, on actual view of the premises, shall assess the value of such improvements, on their oaths, and make a return of such valuation to the clerk immediately. And the clerk of the court shall receive such compensation for his services herein, to be paid by, and received from, the parties, like costs of suit, as the judge of the district court shall, in that respect, tax and allow.

SEC. 31. *And be it further enacted*, That the several collectors shall, at the expiration of every month after they shall, respectively, commence their collections, in the next and every ensuing year, transmit to the Secretary of the Treasury a statement of the collections made by them, respectively, within the month, and pay over, quarterly, or sooner, if required by the Secretary of the Treasury, the moneys by them respectively

Public Acts of Congress.

collected within the said term; and each of the said collectors shall complete the collection of all sums annually assigned to him for collection as aforesaid, shall pay over the same into the Treasury, and shall render his final account to the Treasury Department, within six months from and after the day when he shall have received the collection lists from the said board of principal assessors, or the said requisition of the Secretary of the Treasury as aforesaid: *Provided, however,* That the period of one year and three months, from the said annual day, shall be annually allowed to the collector designated in each State as aforesaid by the Secretary of the Treasury, with respect to the taxes contained in the list transmitted to him by the other collectors as aforesaid.

SEC. 32. *And be it further enacted,* That each collector shall be charged with the whole amount of taxes by him receipted, whether contained in the lists delivered to him by the principal assessors, respectively, or transmitted to him by other collectors; and shall be allowed credit for the amount of taxes contained in the lists transmitted in the manner above provided to other collectors, and by them receipted as aforesaid, and also for the taxes of such persons as may have absconded, or become insolvent, subsequent to the date of the assessment, and prior to the day when the tax ought, according to the provisions of this act, to have been collected: *Provided,* That it shall be proven, to the satisfaction of the Comptroller of the Treasury, that due diligence was used by the collector, and that no property was left from which the tax could have been recovered. And each collector, designated in each State as aforesaid by the Secretary of the Treasury, shall receive credit for the taxes due for all tracts of land which, after being offered by him for sale in manner aforesaid, shall or may have been purchased by him in behalf of the United States.

SEC. 33. *And be it further enacted,* That if any collector shall fail, either to collect or to render his account, or to pay over in the manner, or within the times, hereinbefore provided, it shall be the duty of the Comptroller of the Treasury, and he is hereby authorized and required, immediately after such delinquency, to issue a warrant of distress against such delinquent collector and his sureties, directed to the marshal of the district, therein expressing the amount of the taxes with which the said collector is chargeable, and the sums, if any, which have been paid. And the said marshal, himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, by distress and sale of the goods and chattels, or any personal effects, of the delinquent collector; and for want of goods, chattels, or effects, aforesaid, sufficient to satisfy the said warrant, the same may be levied on the person of the collector, who may be committed to prison, there to remain until discharged in due course of law: And furthermore, notwithstanding the commitment of the collector to prison as aforesaid, or if he abscond, and goods, chattels, and effects, cannot be found sufficient to satisfy the

said warrant, the said marshal, or his deputy, shall and may proceed to levy and collect the sum which remains due, by distress and sale of the goods and chattels, or any personal effects, of the surety or sureties of the delinquent collector. And the amount of the sums due from any collector, as aforesaid, shall, and the same are hereby declared to be, a lien upon the lands and real estate of such collector and his sureties, until the same shall be discharged according to law. And for want of goods and chattels, or other personal effects of such collector, or his sureties, sufficient to satisfy any warrant of distress, issued pursuant to the preceding section of this act, the lands and real estate of such collector and his sureties, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks, in not less than three public places in the collection district, and in one newspaper printed in the county or district, if any there be, prior to the proposed time of sale, may and shall be sold by the marshal or his deputy; and for all lands and real estate, sold in pursuance of the authority aforesaid, the conveyances of the marshals, or their deputies, executed in due form of law, shall give a valid title against all persons claiming under delinquent collectors, or their sureties, aforesaid. And all moneys that may remain of the proceeds of such sale, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the lands or real estate sold as aforesaid.

SEC. 34. *And be it further enacted,* That each and every collector, or his deputy, who shall exercise or be guilty of any extortion or oppression, under color of this act, or shall demand other or greater sums than shall be authorized by this act, shall be liable to pay a sum not exceeding two thousand dollars, to be recovered, by and for the use of the party injured with costs of suit, in any court having competent jurisdiction; and each and every collector or his deputies shall give receipts for all sums by them collected and retained in pursuance of this act.

SEC. 35. *And be it further enacted,* That there shall be allowed and paid, for the services performed under this act, to each principal assessor, two dollars for every day employed in making the necessary arrangements and giving the necessary instructions to the assistant assessors for the valuations; three dollars for every day employed in making revised valuations and tax lists, where an assessment and valuation have heretofore been made, and in hearing appeals and making out lists, agreeably to the provisions of this act, upon original assessments and valuations; and five dollars for every hundred taxable persons contained in the tax list, as delivered by him to the said board of principal assessors; to each assistant assessor, two dollars for every day actually employed in collecting lists and making valuations, the number of days necessary for that purpose being certified by the principal assessor, and approved by the Comptroller of the Treasury; and three dollars for every hundred taxable persons contained in

Public Acts of Congress.

the tax list, as completed and delivered by him to the principal assessor; to each of the principal assessors constituting the board of principal assessors as aforesaid, for every day's actual attendance at the said board, the sum of three dollars, and for travelling to and from the place designated by the Secretary of the Treasury, three dollars for each thirty miles. And to each of the clerks of the said board, three dollars for every day's actual attendance thereon. And the said board of principal assessors, and the said assessors, severally and respectively, shall be allowed their necessary and reasonable charges for books and stationery used in the execution of their duties; and the compensation herein allowed shall be in full for all other expenses not particularly specified.

SEC. 36. *And be it further enacted*, That the compensation herein before provided for the services of the principal assessors and their assistants, and for the board of principal assessors and their clerks, shall be paid at the Treasury; and there is hereby appropriated, for that purpose the sum of two hundred thousand dollars, to be paid out of any money not otherwise appropriated. And the President of the United States shall be, and he is hereby, authorized to augment, in cases where he shall deem it necessary, the compensation authorized by this act for the principal assessors and their assistants: *Provided*, That no principal assessor shall, in any case, receive more than three hundred dollars, and no assistant assessor shall receive more than one hundred and fifty dollars; and for such augmented compensation, and the expense of carrying this act annually into effect, there is further hereby appropriated an annual sum of one hundred and fifty thousand dollars, to be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 37. *And be it further enacted*, That in cases where principal assessors have not been, or shall not, during the present session of Congress, be appointed, and in cases where vacancies shall occur in the office of principal assessor, the President of the United States is hereby authorized to make appointments during the recess of the Senate by granting commissions, which shall expire at the end of the next session. And where no person can be found in any collection district, or assessment district, to serve either as collector, principal assessor, or assistant assessor, respectively, the President of the United States is hereby authorized to appoint one of the deputy postmasters in such district, to serve as collector, or assessor, as the case may be. And it shall be the duty of such deputy postmaster to perform, accordingly, the duties of such officer.

SEC. 38. *And be it further enacted*, That separate accounts shall be kept at the Treasury, of all moneys received from the direct tax and from the internal duties, in each of the respective States, Territories, and collection districts; and that separate accounts shall be kept of the amount of each species of duty that shall accrue, with the moneys paid to the collectors, assessors, and assistant assessors, and to the other officers employed, in each

of the respective States, Territories, and collection districts, which accounts it shall be the duty of the Secretary of the Treasury, annually, in the month of December, to lay before Congress.

SEC. 39. *And be it further enacted*, That the principal assessors, respectively, shall, yearly, and every year, after the year one thousand eight hundred and fifteen, in the month of January, inquire and ascertain, in the manner by the sixth section of this act provided, what transfers and changes of property in lands, lots of ground, dwelling-houses, and slaves, have been made and effected in their respective districts, subsequent to the next preceding valuation, assessment, and apportionment of the direct tax, by this act laid; and, within twenty days thereafter, they shall make out three lists of such transfers and changes, and transmit one list to the Secretary of the Treasury another list to the commissioner of the revenue, and the third shall be delivered to the collector of the collection district. And it shall, yearly, and every year, after the said year one thousand eight hundred and fifteen, be the duty of the Secretary of the Treasury to notify the collectors of the several collection districts, a day in the month of February, on which it shall be the duty of the said collectors to commence laying and collecting the annual direct tax by this act laid and imposed, according to the assessment of the tax lists to them delivered by the said principal assessors, as aforesaid, subject only to such alterations therein as shall be just and proper, in the opinion of the Secretary of the Treasury, to conform to the transfers and changes aforesaid, ascertained by the principal assessors as aforesaid; and the said collectors shall, annually, in all respects, proceed in, and conclude, the collection of the said direct tax, in the same manner, and within the time, hereinbefore provided and prescribed.

SEC. 40. *And be it further enacted*, That each State may pay its quota of the direct tax by this act laid, into the Treasury of the United States, for the first, and for any and every succeeding year; and, in consideration of such payment, the State shall be entitled to a deduction of fifteen per centum, if paid before the first day of May, and ten per centum, if paid before the first day of October, in the year to which the payment relates: *Provided*, That notice of the intention to make such payment be given to the Secretary of the Treasury, on or before the first day of April in each year: *And provided*, That such notice and payment shall not in any wise prevent or discontinue the proceedings under this act, to make the valuations, assessments, and apportionments, herein authorized and directed, but shall only prevent or discontinue the collection of the quota of the State giving such notice and making such payment.

SEC. 41. *And be it further enacted*, That, towards establishing an adequate revenue to provide for the payment of the expenses of Government; for the punctual payment of the public debt, principal and interest, contracted and to be contracted, according to the terms of the contracts, respectively; and for creating an adequate sinking fund,

Public Acts of Congress.

gradually to reduce, and eventually to extinguish, the public debt, contracted, and to be contracted, the direct tax by this act laid shall continue to be laid, levied, and collected, during the present war between the United States and Great Britain, and until the purposes aforesaid shall be completely accomplished, anything in the said act of Congress to the contrary thereof, in anywise notwithstanding. And, for the effectual application of the revenue to be raised by and from the said direct tax laid by this act, and also by and from the direct tax laid by the said act of Congress, entitled "An act to lay and collect a direct tax within the United States," to the purposes aforesaid, in due form of law, the faith of the United States is hereby pledged: *Provided always*, That whenever Congress shall deem it expedient to alter, reduce, or change, the said direct tax, by this act laid, it shall be lawful so to do, upon providing and substituting by law, at the said time, and for the same purposes, other taxes or duties, which shall be equally productive with the direct tax so altered, reduced, or changed: *And provided further*, That nothing in this act contained shall be deemed or construed, in anywise, to rescind or impair any specific appropriation of the said direct taxes, or either of them; but such appropriation shall remain and be carried into effect, according to the true intent and meaning of the law and laws making the same, anything in this act to the contrary thereof, in anywise, notwithstanding.

Sec. 42. *And be it further enacted*, That it shall be lawful for the President of the United States to authorize the Secretary of the Treasury to anticipate the collection and receipt of the direct tax, laid and imposed by this act, and by the said act of Congress, entitled "An act to lay and collect a direct tax within the United States," by obtaining a loan upon the pledge of the said direct taxes, or either of them for the reimbursement thereof, to an amount not exceeding six millions of dollars, and at a rate of interest not exceeding six per centum per annum. And any bank or banks now incorporated, or which may hereafter be incorporated, under the authority of the United States, is, and are hereby, authorized to make such loan: *Provided always, and it is expressly declared*, That the money so obtained upon loan shall be applied to the purposes aforesaid, to which the said direct taxes, so to be pledged, are by this act applied and appropriated, and to no other purposes whatsoever.

Approved, January 9, 1815.

An Act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on various goods, wares, and merchandise, manufactured within the United States.

Be it enacted, &c., That, from and after the expiration of ninety days subsequent to the passing of this act, there shall be paid upon all goods, wares, and merchandise, of the following descriptions, which shall thereafter be manufactured or made for sale within the United States,

or the Territories thereof, the respective duties following, that is to say:

Pig iron, per ton, one dollar.

Castings of iron, per ton, one dollar and fifty cents.

Bar iron, per ton, one dollar.

Rolled or slit iron, per ton, one dollar.

Nails, brads, and sprigs, other than those usually denominated wrought, per pound, one cent.

Candles of white wax, or in part of white and other wax, per pound five cents.

Mould candles of tallow, or of wax, other than white, or in part of each, per pound three cents.

Hats and caps, in whole or in part of leather, wool, or furs; bonnets in whole or in part of wool or fur, if above two dollars in value, eight per centum ad valorem.

Hats of chip or wood, covered with silk or other materials, or not covered, if above two dollars in value, eight per centum ad valorem.

Umbrellas and parasols, if above the value of two dollars, eight per centum ad valorem.

Paper, three per centum ad valorem.

Playing and visiting cards, fifty per centum ad valorem.

Saddles and bridles, six per centum ad valorem.

Boots and booties, exceeding five dollars per pair in value, five per centum ad valorem.

Beer, ale, and porter, six per centum ad valorem.

Tobacco, manufactured cigars, and snuff, twenty per centum ad valorem.

Leather, including therein all hides and skins, whether tanned, tawed, dressed, or otherwise made, on the original manufacture thereof, five per centum ad valorem; which said duties shall be paid by the owner or occupier of the buildings or vessels in which, or of the machines, implements, or utensils, wherewith the said goods, wares, and merchandise, shall have been manufactured or made, or by the agent or superintendent thereof; the amount thereof payable by any one person, at any one time, if not exceeding twenty dollars shall, and if exceeding twenty dollars may, be paid in money, with a deduction of two per centum, at the time of rendering the accounts of the articles so chargeable with duty, required to be rendered by the second section of this act, or without deduction at the next subsequent time prescribed for rendering such accounts.

Sec. 2. *And be it further enacted*, That every person who, from and after the expiration of ninety days subsequent to the passing of this act, shall be the owner or occupier of any building, or vessel, or machine, implement, or utensil, used or intended to be used for the manufacturing or making of such goods, wares, and merchandise, or either of them, or who shall have such building, or vessel, or machine, implement, or utensil, under his superintendence, either as agent for the owner, or on his own account, shall, before the expiration of the said ninety days, and every person who, after the expiration of the said ninety days, shall use, or intend to use, any building, or vessel, or machine, implement, or utensil, as aforesaid, either as owner, occupier, agent, or otherwise, shall, before he shall begin so to use, or

Public Acts of Congress.

cause the same so to be used, give bond, with at least two sureties, to the satisfaction of the collector of internal duties for the district in which the same shall be situate, in a sum not less than the computed duties for one year, nor less than one hundred dollars, that he will before using, or causing the same to be used, make true and exact entry and report, in writing, to the said collector, of every such building, or vessel, machine, implement, or utensil, owned, occupied, or superintended by him, with the size thereof, the names of the owner, occupier, agent, and superintendent, the place where situate, and the manner in which, and the time for which, not exceeding one year, it is intended to employ the same, with the denominations and quantities of the articles manufactured or made as aforesaid, which he may have on hand, with the value thereof; that he will, thereafter, before using, or causing the same to be used, make like entry and report of any other building, or vessel, machine, implement, or utensil, used, or intended to be used, as aforesaid, that he may own, occupy, or have the agency or superintendence of, with the size thereof, the names of the owner, occupier, agent, and superintendent, the place where situate, and the manner in which, and the time for which, not exceeding one year, it is intended to employ the same, with information, from time to time, of any change in the form size, agency, ownership, occupancy, or superintendence, which all or either of the said buildings, or vessels, machines, implements, or utensils, may undergo; that he will, from day to day, so long as he may use the same, enter, or cause to be entered, in a book or books to be kept by him for that purpose, and which shall be open at all times, between the rising and setting of the sun, for the inspection of the said collector, who may take any minutes, memorandums, or transcripts thereof, the denominations and quantities of the articles manufactured or made, and will render to the said collector, on the first day of January, April, July, and October in each year, or within ten days thereafter, a general account in writing, taken from his books, of the denominations and quantities of the said articles, with the aggregate value thereof, for three months preceding said days, or for such portion thereof as may have elapsed from the date of said entry and report to the said day which shall next ensue; that he will, at the said times, deliver to the said collector the original book of entries, which book shall be retained by said officer; that he will likewise, from day to day, enter or cause to be entered, in a book or books to be kept by him for that purpose, and which shall be open at all times, between the rising and setting of the sun, for the inspection of the said collector, who may take any minutes, memorandums, or transcripts, thereof, the denominations and quantities of all the hereinbefore enumerated manufactured articles sold, with the price for which the same were sold, specifying in each sale, the name of the person to whom sold, where the amount sold shall exceed ten dollars in value; and that he will render to the said col-

lector, at the time of rendering the said general accounts, a statement in writing, taken from said book or books, in which there shall be specified the denominations and quantities of all such manufactured articles sold on each day, stating distinctly each sale, with the name of the purchaser, and the denominations and quantities sold, and price, where the same shall exceed ten dollars, and the aggregate denominations and quantities, with the aggregate value of all other sales; that he will verify, or cause to be verified, the said entries, reports, books, general accounts, and statements, on oath or affirmation, to be taken before the collector, or some officer authorized by law to administer the same, according to the form required by this act, where the same is prescribed; and that he will pay to the said collector the duties which by this act ought to be paid on the articles so manufactured, and in the said account mentioned, if not exceeding twenty dollars, at the time of rendering an account thereof, with a deduction of two per centum, and if exceeding twenty dollars, either at said time, with a like deduction, or at the next subsequent time prescribed for rendering such accounts, without deduction; and the said bond may, from time to time, at the discretion of the collector, be renewed or changed, in regard to the sureties and penalties thereof. And every such person, whether owner, occupier, agent, or superintendent, as aforesaid, shall, at the time of making the entry and report, first before stated, obtain, agreeably thereto, a license for employing, for a term not exceeding one year, such buildings, or vessels, or machines, implements, or utensils, describing the same, with the use to which they are to be applied, the place where situate, the name of the owner, occupier, agent, or superintendent, and the term for which it is intended to use the same; which license the said collector is hereby empowered and directed to grant. And a like license, for any term not exceeding a year, shall be obtained and granted on a like report and entry made at any time thereafter, without requiring a new bond, so long as the bond aforesaid shall remain in force. Which licenses shall be signed by the commissioner of the revenue, and countersigned by the collector who shall issue the same.

SEC. 3. *And be it further enacted*, That the entries made in the books required to be kept by the second section of this act, shall, on the said first days of January, April, July, and October, or within ten days after each of the said days, be verified by the oath or affirmation, to be taken as aforesaid, of the person or persons by whom such entries shall have been made; which qualification shall be certified at the end of such entries by the collector, or other officer administering the same, and shall be, in substance, as follows: "I (or we) do swear (or affirm) that the foregoing entries were made by me (or us) on the respective days specified, and that they state, according to the best of — knowledge and belief, the whole quantities and denominations, with the value thereof, of the — manufactured (or sold, as the case may be) by —, in the — of —."

Public Acts of Congress.

SEC. 4. *And be it further enacted*, That the owner, occupier, agent, or superintendent, aforesaid, shall, in case the original entries required to be made in his books by the second section of this act, shall not be made by himself, subjoin to the oath or affirmation of the person by whom they were made, the following oath or affirmation to be taken as aforesaid: "— do solemnly swear (or affirm) that, to the best of — knowledge and belief, the foregoing entries are just and true, and that — have taken all the means in — power to make them so."

SEC. 5. *And be it further enacted*, That in all cases in which the duties aforesaid shall not be duly paid, the person chargeable therewith shall pay, in addition, ten per centum on the amount thereof; and in case such duties, with said addition, shall not be paid within three months from the time the said duties ought to be paid, the collector for the district shall make a personal demand of the same from such person, or by notice in writing left at his dwelling, if within the collection district, and, if not, at the manufactory owned or superintended by such person; and in case of refusal or neglect to pay the said duties, with the addition, within ten days after such demand or notice, the amount thereof shall be recovered by distress and sale of the goods, chattels, and effects of the delinquent; and, in case of such distress, it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or chattels which may be distrained, a copy of which, signed by the officer making such distress, shall be left with the owner or possessor of such goods, chattels, or effects, at his or her dwelling, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be publicly posted up, at two of the taverns nearest to the residence of the person whose property shall be distrained, or at the courthouse of the same county, if not more than ten miles distant; which notice shall specify the articles distrained, and the time and place proposed for the sale thereof; which time shall not be less than ten days from the date of such notification, and the place proposed for sale not more than five miles distant from the place of making such distress: *Provided*, That in any case of distress for the payment of the duties aforesaid, the goods, chattels, or effects, so distrained, shall and may be restored to the owner or possessor, if, prior to the day assigned for the sale thereof, payment, or tender thereof, shall be made to the proper officer charged with the collection, of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expenses of removing and keeping the goods, chattels, or effects, so distrained, as may be allowed, in like cases, by the laws or practice of the State or Territory wherein the distress shall have been made; but in case of non-payment or tender, as aforesaid, the said officer shall proceed to sell the said goods, chattels, or effects, at public auction, and shall and may retain, from the proceeds of such sales, the amount demandable for the use of

the United States, with the necessary and reasonable expenses of distress and sale, and a commission of eight per centum thereon for his own use, rendering the overplus, if any there be, to the person whose goods, chattels, or effects, shall have been distrained: *Provided*, That it shall not be lawful to make distress of beasts of the plough necessary for the cultivation of improved lands, arms, or household furniture, or apparel necessary for a family.

SEC. 6. *And be it further enacted*, That all goods, wares, and merchandise, which shall be manufactured or made within the United States, or the Territories thereof, the duties on which shall not have been duly paid, or secured, according to the true intent and meaning of this act, shall, together with the vessels containing the same, be forfeited, and may be seized as forfeited by any collector of the internal duties, and held by him until a decision shall be had thereon according to law: *Provided*, That said goods, wares, and merchandise, shall not be liable to be forfeited in the hands of a bona fide purchaser, who shall have purchased the same without knowledge of the duties not being paid, or secured to be paid. And if any person shall conceal or buy any goods, wares, and merchandise, as aforesaid, knowing them to be liable to seizure and forfeiture under this act, such person shall, on conviction thereof, forfeit and pay a sum double the value of the goods so concealed or purchased.

SEC. 7. *And be it further enacted*, That the owner, occupier, agent, or superintendent, as aforesaid, of or for any such building, or vessel, machine, implement, or utensil, used in the manufacture or making of any of the said goods, wares, and merchandise, who shall wilfully neglect or refuse to make true and exact entry and report of the same, or to do, or cause to be done, any of the things by this act required to be done as aforesaid, excepting to pay the duties hereby laid in cases where the bond required by the second section of this act has been given, shall forfeit, for every such neglect or refusal, all the goods, wares, and merchandise, manufactured or made by or for him, with the vessels containing the same, and the vessels, machines, implements, or utensils, used in said manufacture or making, together with the sum of five hundred dollars, to be recovered with costs of suit; which said goods, wares, and merchandise, with the vessels, or machines, implements, or utensils, so used, may be seized by any collector of the internal duties, and held by him until a decision shall be had thereon according to law: *Provided*, Such seizure be made within three months after the cause for the same may have occurred, and that a prosecution or action thereupon shall have commenced by such collector within sixty days after such seizure.

SEC. 8. *And be it further enacted*, That in case the duties aforesaid shall not be paid or recovered, agreeably to the provisions of this act, or in case any acts shall be done contrary to, or any acts omitted that are required to be done by the bond to be given as aforesaid, or the penalties incurred thereby shall not be recovered, the said bond shall

Public Acts of Congress.

be deemed forfeited, and shall be put in suit by the collector, for the recovery of the amount of the said duties, with the addition thereon, penalties, and costs, or either, as the case may be; and judgment thereon shall and may be taken at the return term, on motion to be made in open court, unless sufficient cause to the contrary be shown to, and allowed by, the court: *Provided*, That the writ or process in such case shall have been executed at least fourteen days before the return day thereof.

Sec. 9. *And be it further enacted*, That the duties imposed by this act shall be considered as applying solely to articles manufactured for sale, and shall not be considered as including any articles manufactured exclusively for the use of the person manufacturing the same.

Sec. 10. *And be it further enacted*, That the duties laid by this act shall be payable on all the goods, wares, and merchandise, aforesaid, the manufacture or making of which shall not, within ninety days from the passing thereof, be fully completed, or which shall not be then in the condition in which they usually are when offered for sale.

Sec. 11. *And be it further enacted*, That any owner, occupier, agent, or superintendent, as aforesaid, who may have given bond as required in the second section of this act, who shall, after thirty days' notice given him in writing by the collector, fail to renew or change the same, in regard to the sureties and penalties thereof, as is in the same section provided, shall thereafter incur the penalties attached to employing the said buildings, or vessels, or machines, implements, or utensils, without having a license therefor.

Sec. 12. *And be it further enacted*, That the forms of the bond required to be given by the second section of this act, as well as the forms of the several oaths, reports, entries, statements, and accounts, by this act required to be taken, kept, and rendered, shall be prescribed by the Treasury Department, agreeably to which the aforesaid specification of the buildings or vessels in which, or of the machines, implements, or utensils, where-with the aforesaid goods, wares, and merchandise, shall be manufactured or made, shall be rendered by the owner, occupier, agent, or superintendent thereof.

Sec. 13. *And be it further enacted*, That the value of the manufactured or made goods, wares, and merchandise, required to be stated as aforesaid, shall be regulated by the average of the actual sales by the manufacturer of the like goods, wares, and merchandise, during the quarter, where such actual sales may have been made; and where no such actual sales have been made, such value, as far as respects a manufacturer selling exclusively by wholesale, shall be regulated by the average of the market wholesale sales of the like goods, wares, and merchandise, and so far as respects a manufacturer selling by retail, by the market sales by retail in like manner.

Sec. 14. *And be it further enacted*, That if any person shall forcibly obstruct or hinder a collector in the execution of this act, or of any of the

powers or authorities hereby vested in him, or shall forcibly rescue, or cause to be rescued, any goods, wares, or merchandise, or vessels, machines, implements, or utensils, aforesaid, after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending shall, for every such offence, forfeit and pay the sum of five hundred dollars.

Sec. 15. *And be it further enacted*, That a collector shall be authorized to enter, at any time between the rising and setting of the sun, any building or place where any vessel, machine, implement, or utensil, as aforesaid, is kept within his collection district, for the purpose of examining, measuring, or describing the same, or of inspecting the accounts of the goods, wares, and merchandise, from time to time manufactured or made. And every owner or occupier of such building, machine, implement, or utensil, or person having the agency or superintendence of the same, who shall refuse to admit such officer, or to suffer him to examine, measure, or describe the same, or to inspect said accounts, shall, for every such refusal, forfeit and pay the sum of five hundred dollars.

Sec. 16. *And be it further enacted*, That any person who shall be convicted of wilfully taking a false oath or affirmation, in any of the cases in which an oath or affirmation is required to be taken in virtue of this act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury, and shall, moreover, forfeit the sum of five hundred dollars.

Sec. 17. *And be it further enacted*, That no person who shall have refused or neglected to comply with the provisions of this act, shall be entitled, while such refusal or neglect continues, to receive a license as aforesaid, or shall be entitled to credit for any internal duties whatever that may have accrued.

Sec. 18. *And be it further enacted*, That every collector shall give receipts for all sums by him collected under this act.

Sec. 19. *And be it further enacted*, That if it shall appear, to the satisfaction of the collector for the district, that any owner, occupier, agent, or superintendent, as aforesaid, of any buildings, vessels, or machines, implements, or utensils, as aforesaid, who shall have given bond agreeably to the second section of this act, and shall have ceased to use the same for one year, and made oath or affirmation thereof, to be lodged with said collector, hath acted agreeably to the condition of such bond, the collector shall cause such bond to be delivered to said owner, occupier, agent, or superintendent.

Sec. 20. *And be it further enacted*, That the several provisions of "An act making further provision for the collection of internal duties, and for the appointment and compensation of assessors," passed the second of August, one thousand eight hundred and thirteen, shall, and are hereby declared to apply in full force to the duties laid by, and to be collected under, this act, the same as if such duties and this act were recognised therein; which said duties shall be collected by the same

Public Acts of Congress.

collectors, in the same manner, for the same commissions, and under the same directions, as are thereby established in relation to the other internal duties; and all the obligations, duties, and penalties thereby imposed upon collectors, are hereby imposed upon the collectors of the duties laid by this act.

Sec. 21. *And be it further enacted,* That it shall be the duty of the collectors aforesaid, in their respective districts, and they are hereby authorized, to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act; and all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered in the name of the United States, or of the collector within whose district any such fine, penalty, or forfeiture shall have been incurred, by bill, plaint, or information, one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person, who, if a collector, shall first discover, if other than a collector shall first inform of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture shall have been incurred; and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court, within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the State holden within the said district, having jurisdiction in like cases.

Sec. 22. *And be it further enacted,* That the collector shall furnish one copy of this act to each person liable to pay a duty under the same, within the collection district, that may apply therefor, and shall advertise in a newspaper, or post up notices at the court-houses therein, of his instructions to furnish the same.

Sec. 23. *And be it further enacted,* That, towards establishing an adequate revenue to provide for the payment of the expenses of Government; for the punctual payment of the public debt, principal and interest, contracted, and to be contracted, according to the terms of the contracts, respectively; and for creating an adequate sinking fund, gradually to reduce, and eventually to extinguish, the public debt, contracted and to be contracted; the rates and duties laid and imposed by this act shall continue to be laid, levied, and collected, during the present war between the United States and Great Britain, and until the purposes aforesaid shall be completely accomplished. And for the effectual application of the revenue, to be raised by and from the said duties to the purposes aforesaid, in due form of law, the faith of the United States is hereby pledged: *Provided always,* That whenever Congress shall deem it expedient to alter, reduce, or change, the said duties, or either of them, it shall be lawful so to do, upon providing and substituting by law at the same time, and for the same purposes, other duties, which shall be equally productive with the duties so altered, reduced, or changed.

Sec. 24. *And be it further enacted,* That so

long as the duties herein imposed on each of the foregoing descriptions of goods, wares, and merchandise, shall continue to be laid, the duties at present payable on the like description of goods, wares, and merchandise, imported into the United States, shall not be discontinued or diminished, and the faith of the United States is hereby pledged for the continuance of the same until this act shall be repealed.

Approved, January 18, 1815.

An Act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on household furniture, and on gold and silver watches.

Be it enacted, &c., That there shall be, and hereby is, imposed an annual duty on all household furniture kept for use, the value of which, in any one family, with the exception of beds, bedding, kitchen furniture, family pictures, and articles made in the family from domestic materials, shall exceed two hundred dollars in money, according to the following scale:

If not exceeding four hundred dollars, one dollar.

If above four hundred, and not exceeding six hundred dollars, one dollar and fifty cents.

If above six hundred, and not exceeding one thousand dollars, three dollars.

If above one thousand, and not exceeding fifteen hundred dollars, six dollars.

If above fifteen hundred, and not exceeding two thousand dollars, ten dollars.

If above two thousand, and not exceeding three thousand dollars, seventeen dollars.

If above three thousand, and not exceeding four thousand dollars, twenty-eight dollars.

If above four thousand, and not exceeding six thousand dollars, forty-five dollars.

If above six thousand, and not exceeding nine thousand dollars, seventy-five dollars.

If above nine thousand dollars, one hundred dollars; which duty shall be paid by the owner of the said household furniture.

That there shall be, and hereby is, likewise imposed, an annual duty of two dollars on every gold watch kept for use, and of one dollar on every silver watch kept for use, which duty shall be paid by the owner thereof.

Sec. 2. *And be it further enacted,* That whenever lists of property shall hereafter be taken in any collection district, under a general assessment therein by the assistant assessors, as required by the "Act for the assessment and collection of direct taxes and internal duties," passed July the twenty-second, one thousand eight hundred and thirteen, or by any other act, passed or to be passed, lists of the value of the household furniture, as classed by the first section of this act, with the number and description of watches, within such collection district, belonging to each person therein taxable as aforesaid, with the name of the owner or agent, shall be made out in writing by such person or his agent, and delivered to the assistant assessor, at the time of his

Public Acts of Congress.

application therefor, which shall be the same time as that prescribed in the act then in force for the delivery of the lists therein required to be delivered; and the said assistant assessor is hereby empowered and directed to apply therefor at the dwelling of said person, or his agent, at the said time.

SEC. 3. *And be it further enacted*, That if any person or agent, as aforesaid, shall not be prepared to exhibit a written list when required, and shall consent to disclose the value of any and all the said household furniture, and the number of watches, as aforesaid, in such case it shall be the duty of the assistant assessor to make such list, which, being distinctly read and assented to, shall be received as the list aforesaid of such person, and be certified as such by the said assistant assessor.

SEC. 4. *And be it further enacted*, That if any such person or agent shall deliver or disclose to any assessor any false or fraudulent list, with intent to defeat or evade the purposes of this act, such person or agent shall forfeit and pay the sum of one hundred dollars, to be recovered in any court having competent jurisdiction.

SEC. 5. *And be it further enacted*, That in case any person, whether owner or agent as aforesaid, shall be absent from his place of residence at the time an assistant assessor shall apply to receive the list of such person, it shall be the duty of such assessor to leave, at the house or place of residence of such person, a written note or memorandum, requiring him to present to such assessor the list aforesaid, within ten days from the date of such note or memorandum; and if any person, on being notified or required as aforesaid, shall refuse or neglect to give such list as aforesaid, within such time, it shall be the duty of the said assessor to make, according to the best information which he can obtain, such lists, which lists, so made and subscribed by such assessor, shall be received as the lists aforesaid of such person; and the person so failing or neglecting, unless in case of sickness or absence from home, shall, moreover, forfeit and pay the sum of fifty dollars.

SEC. 6. *And be it further enacted*, That the several assistant assessors in each of the said collection districts shall deliver the lists aforesaid to the principal assessor, within the time prescribed by the thirteenth section of the "Act for the assessment and collection of direct taxes and internal duties," passed twenty-second of July, eighteen hundred and thirteen, for the delivery of the lists therein designated: *Provided*, That if the said time be altered by any act subsequently passed, such delivery shall be within the time last prescribed therefor.

SEC. 7. *And be it further enacted*, That the respective principal assessors shall make out, according to the lists received from the assistant assessors, a general list or lists of all persons taxable as aforesaid, specifying the name of the owner or agent, the valuation of the household furniture, with the number and description of the watches as aforesaid, and the duty payable on

each; which list or lists shall be made out in alphabetical order, for each county or smaller division of a collection district, as may be directed by the Secretary of the Treasury.

SEC. 8. *And be it further enacted*, That each of the collectors of the direct taxes and internal duties, for the collection districts aforesaid, shall, within sixty days from the day on which the principal assessor shall have received the said lists from the assistant assessors, be furnished by the principal assessor with one or more of the lists, prepared in conformity with the preceding section by the principal assessor, signed and certified by him. And each collector, on receiving a list as aforesaid, shall subscribe three receipts; one of which shall be given on a full and correct copy of such list, which list and receipt shall remain with the principal assessor, and be open to the inspection of any person who may apply to inspect the same: and the other two receipts shall be given on aggregate statements of the lists aforesaid, exhibiting the gross amount of each of the aforesaid duties, to be collected in each county or State district contained in the collection district, one of which aggregate statements and receipts shall be transmitted to the Commissioner of the Revenue, and the other to the Comptroller of the Treasury.

SEC. 9. *And be it further enacted*, That each of the said collectors, or his deputies, shall, within ten days after receiving his list, agreeably to the "Act for the assessment and collection of direct taxes and internal duties," passed twenty-second July, eighteen hundred and thirteen, or agreeably to any act subsequently passed, or to be passed, advertise, in one newspaper printed in his collection district, if any there be, and by notifications to be posted up in at least four public places in his collection district, that the said duties have become due and payable, and state the times and places at which he or they will attend to receive the same, which shall be within twenty days after such notification: and with respect to persons who shall not attend, according to such notification, it shall be the duty of each collector, in person or by deputy, to apply once at their respective dwellings within such district, and there demand the duties payable by such persons, which application shall be made within sixty days after the receipt of the said lists by the collector; and if the said duties shall not be then paid, or within twenty days thereafter, it shall be the duty of such collector and his deputies to proceed to collect the said duties by distress and sale of the goods, chattels, or effects, of the persons delinquent; and in case of such distress, it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or chattels which may be distrained, a copy of which, signed by the officer making such distress, shall be left with the owner or possessor of such goods, chattels, or effects, or at his dwelling, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be publicly posted up at two of the taverns nearest to the residence

Public Acts of Congress.

of the person whose property shall be distrained, or of his agent, or at the court-house of the same county, if not more than ten miles distant, which notice shall specify the articles distrained, and the time or place proposed for the sale thereof; which time shall be less than ten days from the date of such notification, and the place proposed for sale not more than five miles distant from the place of making such distress: *Provided*, That in any case of distress for the payment of the duties aforesaid, the goods, chattels, or effects, so distrained, shall and may be restored to the owner or possessor, if, prior to the sale thereof, payment, or tender thereof, shall be made to the proper officer charged with the collection, of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expenses of removing and keeping the goods, chattels, or effects, so distrained, as may be allowed in like cases by the laws or practice of the State or Territory wherein the distress shall have been made; but in case of nonpayment, or tender, as aforesaid, the said officer shall proceed to sell the said goods, chattels, or effects, at public auction, and shall and may retain, from the proceeds of such sales, the amount demandable for the use of the United States, with the necessary and reasonable expenses of distress and sale, and a commission of five per centum thereon for his own use, rendering the overplus, if any there be, to the person whose goods, chattels, or effects, shall have been distrained, or to his agent: *Provided*, That it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plough necessary for the cultivation of improved lands, arms, or apparel necessary for a family.

SEC. 10. *And be it further enacted*, That it shall be the duty of every owner, or his agent, of household furniture, or watches as aforesaid, within a collection district of any State in which said collection district lists of property shall not, under a general assessment therein, have been directed by law to be taken previously to the month of February in any year, by the assistant assessors, conformably to the act, entitled "An act for the assessment and collection of direct taxes and internal duties," passed the twenty-second of July, one thousand eight hundred and thirteen, or to any act subsequently passed, to transmit, during the said month of February, in said year, to the principal assessor for the said collection district, a list in writing, stating the value of the household furniture, with the number and description of watches, owned or possessed by such person; on failure to do which, every such person, whether owner or agent, shall forfeit and pay the sum of one hundred dollars. And it shall be the duty of the principal assessor to cause a written or printed notice to be left, previous to the said month, in the year one thousand eight hundred and fifteen, at every inhabited house within the collection district, requiring every person to make out and render the lists annually as aforesaid. And it shall be the duty of the principal assessor, every year, within sixty days after the expiration

of the said month, to make out, and deliver to the collector, lists in the manner prescribed by the seventh and eighth sections of this act, and of the collector, thereupon, to proceed, in all respects, as is required by the eighth and ninth sections of this act, in cases where lists as aforesaid shall have been taken by the assistant assessors, excepting so far as regards the times of paying the said duties, and of notifying and applying for the same, all of which shall be the same as those fixed in relation to the then existing direct tax becoming due.

SEC. 11. *And be it further enacted*, That the provisions of the preceding section of this act shall, under the penalty thereby provided, be observed in, and shall apply to, the several collection districts within the Territories, or districts, wherein no direct tax is laid, excepting that the collectors therein shall perform all the duties required thereby to be performed by the principal assessors: *Provided*, That, instead of the receipt of the collector, to the lists received from the principal assessor, the collector shall affix thereto a certificate, that the same is correct, and shall lodge, with the marshal for the district, the copy of the general list, which would otherwise have remained with the principal assessor, which list shall remain with the marshal, and be open to the inspection of any person who may apply to inspect the same: *And provided*, That the times for paying the said duties in such collection district, and of notifying and applying for the same, shall be the same, relatively to the date of such certificate, as in the other collection districts they are required to be relatively to the date of the collector's receipt.

SEC. 12. *And be it further enacted*, That, in case any person shall be the owner of household furniture, a part of which shall be in one house and a part in another, the valuation of each part thereof shall be distinctly made.

SEC. 13. *And be it further enacted*, That, within the meaning of this act, household furniture shall be considered as including pictures, plate, clocks, and time pieces, (except watches,) and as excluding books, maps, and philosophical apparatus.

SEC. 14. *And be it further enacted*, That the objects taxed as aforesaid, which shall belong to any charitable, religious, or literary institution, or which shall belong to the United States, or any State or Territory, or shall be permanently or specially exempted from taxation, at the time of passing this act, by the laws of the State or Territory wherein the same may be situate, shall be exempted from the aforesaid valuation and specification, and from the duties aforesaid.

SEC. 15. *And be it further enacted*, That in cases in which it may be doubtful who is chargeable with the duties aforesaid, they shall be paid by the person in whose possession the articles taxed shall have been at the time of ascertaining the said duties, except where such person or his agent cannot, at the time of collecting the same, be found within the collection district in which they were ascertained, in which case they shall

Public Acts of Congress.

be paid by the person then in possession of such articles.

SEC. 16. *And be it further enacted*, That, in case any errors shall be committed in collecting, making out, or rendering, the lists aforesaid, by the assistant or principal assessors, or the collectors, the same may and shall be corrected in such way, and within such time, as shall be prescribed by the Secretary of the Treasury.

SEC. 17. *And be it further enacted*, That every collector shall give receipts for all sums by him collected under this act, which shall specify the value of the household furniture, with the number and description of watches, for which a duty shall have been paid,

SEC. 18. *And be it further enacted*, That the forms of lists and notifications required by this act, shall be prescribed by the Treasury Department.

SEC. 19. *And be it further enacted*, That if any person shall forcibly obstruct or hinder any officer in the execution of this act, or of any of the powers or authorities hereby vested in him, the person so offending shall forfeit and pay the sum of two hundred dollars.

SEC. 20. *And be it further enacted*, That any assistant assessor who shall wilfully neglect or fail to perform any of the duties herein required to be performed, shall, for every such neglect or failure, forfeit and pay a sum not exceeding one hundred dollars; and any principal assessor or collector who shall wilfully fail or neglect to perform any of the duties herein required to be performed by him, shall, for every such neglect or failure, forfeit and pay a sum not exceeding five hundred dollars.

SEC. 21. *And be it further enacted*, That, for performing the duties herein required, there shall be annually allowed and paid, to each principal assessor, at the rate of two dollars and fifty cents for every thousand persons in his collection district, according to the previous census; to each collector, in districts in which the direct tax is not laid, there shall be annually allowed and paid, at the same rate; and to each assistant assessor, where the lists aforesaid shall be taken, there shall be allowed and paid, for taking the same, at the rate of five dollars for every hundred lists delivered to the principal assessor, each of which lists shall contain the several objects herein taxed; besides which there shall be allowed and paid to each principal assessor or collector, for collection districts in which lists as aforesaid, under a general assessment therein, shall not be made by the assistant assessors, five dollars for every thousand persons in his collection district, according to the previous census, for delivering the notices required to be left in the year one thousand eight hundred and fifteen, at each inhabited house: *Provided*, That no additional allowance shall be made to the said officers for any contingent expenses, other than for advertising, printing, and paper, that may be incurred by them in the discharge of the duties hereby required to be performed; for the payment of which allowances, as well as those hereinafter authorized, seventy

thousand dollars, to be paid out of any money in the Treasury, not otherwise appropriated, are hereby annually appropriated.

SEC. 22. *And be it further enacted*, That, in cases where persons cannot be found to serve as principal or assistant assessors for the foregoing compensation, the President of the United States is hereby empowered to make an additional allowance: *Provided*, That the whole sum so allowed shall not, in any one year, exceed ten thousand dollars.

SEC. 23. *And be it further enacted*, That the several provisions of "An act making further provision for the collection of internal duties, and for the appointment and compensation of assessors," passed the second of August, one thousand eight hundred and thirteen, shall and are hereby declared to apply in full force to the duties laid by, and to be collected under, this act, the same as if such duties and this act were recognised therein; which said duties shall be collected by the same collectors, in the same manner, for the same commissions, and under the same directions, as are thereby established in relation to the other internal duties; and all the obligations, duties, and penalties, thereby imposed upon collectors, are hereby imposed upon the collectors of the duties laid by this act.

SEC. 24. *And be it further enacted*, That it shall be the duty of the collectors aforesaid, in their respective districts, and they are hereby authorized, to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act. And all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered in the name of the United States, or of the collector within whose district any such fine, penalty, or forfeiture, shall have been incurred, by bill, plaint, or information, one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who, if a collector, shall first discover, if other than a collector, shall first inform, of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture, shall have been incurred; and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court, within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the State, holden within the said district, having jurisdiction in like cases.

SEC. 25. *And be it further enacted*, That, towards establishing an adequate revenue to provide for the payment of the expenses of Government; for the punctual payment of the public debt, principal and interest, contracted, and to be contracted, according to the terms of the contracts, respectively; and for creating an adequate sinking fund, gradually to reduce, and eventually to extinguish, the public debt, contracted and to be contracted; the duties laid and imposed by this act shall continue to be

Public Acts of Congress.

laid, levied, and collected, during the present war between the United States and Great Britain, and until the purposes aforesaid shall be completely accomplished. And, for the effectual application of the revenue to be raised by and from the said duties to the purposes aforesaid, in due form of law, the faith of the United States is hereby pledged: *Provided always*, That whenever Congress shall deem it expedient to alter, reduce, or change, the said duties, or either of them, it shall be lawful so to do, upon providing and substituting, by law, at the same time, and for the same purposes, other duties, which shall be equally productive with the duties so altered, reduced, or changed.

Approved, January 18, 1815.

An Act supplementary to the act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory."

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three fit and disinterested persons, to be and act as commissioners, by virtue of an act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," in the place of the Secretary of State, the Secretary of the Treasury, and the Attorney General of the United States, for the time being; and the said persons are hereby constituted and appointed a board of commissioners, any two of whom may act as a quorum, as in and by the act aforesaid is provided. Which board is hereby declared to be intended to effect the same purposes and services as the said original board; and is, in every respect, substituted for the same; and is hereby authorized to execute all the powers granted to, and directed to perform all the duties enjoined upon, the said original board of commissioners, according to the intent and provisions of the act aforesaid.

SEC. 2. *And be it further enacted*, That the commissioners to be appointed in pursuance of this act, shall meet at some suitable place within the District of Columbia, on the fourth Monday of January current, or as soon thereafter as may be, to enter on the duties assigned them. And that they shall proceed therein, as expeditiously as may be, and from time to time shall certify and report to the President of the United States, as to the sufficiency of the releases that shall have been made, and the claims they shall have finally adjudged and allowed, agreeably to the third section of the act to which this act is supplementary.

SEC. 3. *And be it further enacted*, That each of the said commissioners, before they proceed to execute their duties as such, shall take the following oath, or affirmation, to wit: "I, A B, do solemnly swear (or affirm) that I am not interested in the event of any decision that may be made by this board of commissioners, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as a member thereof: and will adjudge and determine

all the matters, claims, and controversies, subject to the adjudication and determination of this board, according to the best of my abilities, agreeably to the laws of the United States, and the principles of justice and equity."

SEC. 4. *And be it further enacted*, That the said board of commissioners shall have power and authority to appoint a secretary, whose duty it shall be to receive, file, and preserve, the papers, documents, and claims, that may be presented to, and received by, said board of commissioners, and to enter and record all the orders, proceedings, judgments, and determinations, of said board of commissioners. And one of said commissioners shall administer an oath to such secretary, for the faithful discharge of his duty. And there shall be allowed and paid, out of the Treasury of the United States, to each of the said commissioners, as well as to the secretary by them to be appointed, as a compensation for their respective services under this act, and in full for the same, the sum of fifteen hundred dollars.

SEC. 5. *And be it further enacted*, That further time be, and hereby is, allowed to deposite in the office of the Secretary of State, releases to the United States, of claims under the act, or pretended act, of the State of Georgia, passed on the seventh day of January, seventeen hundred and ninety-five, and assignments of rights or claims to moneys paid into the treasury of the State of Georgia, and power to sue therefor; and also for recording, in the office of the Secretary of State, any deed or evidence of any title or claim that hath been released to the United States, or that shall be released on or before the day hereby appointed, to wit: the third Monday in March next. And so much of the act of Congress, passed the third day of March, one thousand eight hundred and three, entitled "An act regulating the grants of lands of the United States south of the State of Tennessee," and so much of the act to which this is supplementary, as exclude claimants from recording their claims after the first day of January, one thousand eight hundred and four, be, and the same are hereby, repealed.

SEC. 6. *And be it further enacted*, That the said commissioners be, and hereby are, authorized and empowered to consider and determine all claims, that shall have been duly released to the United States, on or before the said third Monday of March, which may be made and preferred by assignees of bankrupts, or executors, or administrators on estates of deceased persons, which may be insolvent and subject to distribution among the creditors of the persons so deceased.

Approved, January 23, 1815.

An Act to authorize the President of the United States to accept the services of State troops and of volunteers.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized and required to receive into the service of the United States any corps of troops which may have been, or may be, raised, organized, and of-

Public Acts of Congress.

ficered, under the authority of any of the States, whose term of service shall not be less than twelve months; which corps, when received into the service of the United States, shall be subject to the rules and articles of war, and employed in the State raising the same, or in the adjoining State, and not elsewhere, except with the assent of the Executive of the State so raising the same: *Provided*, That said corps shall not contain in the whole, exclusive of officers, more than forty thousand men; and that the number to be received in any State shall not exceed the number hereby apportioned to such State: that is to say, in New Hampshire, one thousand three hundred and eighteen. In Massachusetts, four thousand three hundred and ninety-five. In Vermont, one thousand three hundred and eighteen. In Rhode Island, four hundred and forty. In Connecticut, one thousand five hundred and forty. In New York, five thousand nine hundred and thirty-three. In New Jersey, one thousand three hundred and eighteen. In Pennsylvania, five thousand and fifty-five. In Delaware, four hundred and forty. In Maryland, one thousand nine hundred and eighty. In Virginia, five thousand and fifty-five. In North Carolina, two thousand eight hundred and fifty-eight. In South Carolina, one thousand nine hundred and eighty. In Georgia, one thousand three hundred and eighteen. In Kentucky, two thousand one hundred and ninety-six. In Ohio, one thousand three hundred and eighteen. In Tennessee, one thousand three hundred and eighteen. In Louisiana, two hundred and twenty. *And be it further provided*, That in case the President of the United States shall hereafter call on the Executives of the several States, to hold in readiness their respective quotas of militia for service, he shall consider the corps of State troops, raised in any State, as part of the quota of such State.

SEC. 2. *And be it further enacted*, That the corps as aforesaid, accepted under this act, shall be armed and equipped at the expense of the United States, and shall be entitled to the same pay, clothing, rations, forage, and emoluments of every kind, and (bounty excepted) to the same benefits and allowances as the regular troops of the United States.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to receive into the service of the United States, any volunteers who may offer their services, to be organized in conformity to the laws respecting the organization of the Military Establishment of the United States: *Provided*, That the whole number of such volunteers, who may be in service at any one time, exclusive of officers, shall not exceed forty thousand men.

SEC. 4. *And be it further enacted*, That the officers of the said volunteers shall be commissioned by the President of the United States; and, while in actual service, the said volunteers shall be entitled to the same pay, rations, forage, and emoluments of every kind, and (bounty excepted) to the same benefits and allowances as

the regular troops of the United States, and shall be subject to the rules and articles of war.

SEC. 5. *And be it further enacted*, That the said volunteers may, at their option, be armed and equipped by the United States, or at their own expense; and in case they arm and equip themselves, to the satisfaction of the President of the United States, they shall each be entitled to receive six and one-quarter cents per day, while in actual service, for the use and risk of such arms and equipments: *Provided*, That the compensation thus allowed shall not in any case exceed twenty-four dollars: *And provided also*, That no rifle shall be received into the service of the United States, whose calibre shall be formed to carry a ball of a smaller size than at the rate of seventy balls to a pound weight.

SEC. 6. *And be it further enacted*, That the said volunteers, if employed in service for a term not less than twelve months, may, at their option, be clothed at their own expense or by the United States; and in case they furnish their own clothing, they shall be entitled to receive in money a sum equal to the cost of the clothing allowed to the regular troops of the United States.

SEC. 7. *And be it further enacted*, That whenever any noncommissioned officer, musician, or private, having served in any of the corps of State troops or volunteers, raised by virtue of this act, during two years, or who, having engaged to serve two years, shall have been discharged in consequence of the termination of the present war, shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, he shall be allowed, in addition to the emoluments allowed in this act, one hundred and sixty acres of land: and the widow and children, and if there be no widow or child, then the parents of such noncommissioned officers, musicians, and privates, as may have engaged for a term of service not less than two years, and who may be killed in action or die in the service, shall likewise be allowed the said quantity of one hundred and sixty acres of land, which shall be surveyed and granted in the manner provided by the act, entitled "An act to provide for the designating, surveying, and granting, the military bounty lands."

SEC. 8. *And be it further enacted*, That the appointment of the officers of the said volunteers, if received into the service of the United States for the term of twelve months, or for a longer term, shall be submitted to the Senate for their advice and consent, at their next session, after commissions for the same shall have been issued.

SEC. 9. *And be it further enacted*, That, if the whole number of forty thousand men, authorized by the first section of this act, shall not be furnished by the States, it shall be lawful for the President of the United States to supply the deficiency, by accepting the services of volunteers to the number of such deficiency: *Provided*, That the whole number of State troops and volunteers together, accepted under the provisions of this act, shall not exceed eighty thousand men.

Public Acts of Congress.

SEC. 10. *And be it further enacted*, That the expenses incurred under this act, shall be defrayed out of the appropriations which are, or which may be, authorized, for defraying the expenses of calling out the militia for the defence of the United States.

Approved, January 27, 1815.

An Act to prohibit Intercourse with the Enemy, and for other purposes.

Be it enacted, &c., That it shall be lawful for any collector, naval officer surveyor, or inspector of the customs, as well in an adjoining district as that to which he belongs, to enter on board, search, and examine, any ship, vessel, boat, or raft, and if he shall find on board the same any goods, wares, or merchandise, which he shall have probable cause to believe are subject to duty, the payment of which is intended to be evaded, or have been imported into the United States in any manner contrary to law, it shall be his duty to seize and secure the same for trial.

SEC. 2. *And be it further enacted*, That it shall be lawful for any collector, naval officer, surveyor, or inspector of the customs, as well in any adjoining district, as that to which he belongs, to stop, search, and examine, any carriage or vehicle of any kind whatsoever, and to stop any person travelling on foot, or beast of burden, on which he shall suspect there are any goods, wares, or merchandise, which are subject to duty, or which shall have been introduced into the United States in any manner contrary to law; and if such officer shall find any goods, wares, or merchandise, on any such carriage, vehicle, person travelling on foot, or beast of burden, which he shall have probable cause to believe are subject to duty, or have been unlawfully introduced into the United States, he shall seize and secure the same for trial. And if any of the said officers of the customs shall suspect that any goods, wares, or merchandise, which are subject to duty, or which shall have been introduced into the United States contrary to law, are concealed in any particular dwelling-house, store, or other building, he shall, upon proper application, on oath, to any judge or justice of the peace, be entitled to a warrant, directed to such officer, who is hereby authorized to serve the same, to enter such house, store, or other building, in the day time only, and there to search and examine whether there are any such goods, wares, or merchandise, which are subject to duty, or have been unlawfully imported; and if, on such search or examination, any such goods, wares, or merchandise, shall be found, which there shall be probable cause, for the officer making such search or examination, to believe are subject to duty, or have been unlawfully introduced into the United States, he shall seize and secure the same for trial.

SEC. 3. *And be it further enacted*, That if any citizen or citizens of the United States, or any person or persons inhabiting the same, shall transport, or attempt to transport, over land, or by water, in whatsoever way, or by whatso-

ever means, naval or military stores, arms, or munitions of war, cattle, live stock, any articles of provisions, cotton, tobacco, goods, money, or supplies of any kind, from any place in the United States, to any of the provinces or territory belonging to the enemy, or of which they may be in possession, such naval or military stores, arms, or the munitions of war, cattle, live stock, articles of provisions, cotton, tobacco, goods, money, or other supplies, together with the carriage or wagon, cart, sleigh, vessel, boat, raft, or vehicle, of whatsoever kind, or horse, or other beast, by which they, or any of them, are transported, or attempted to be transported, shall be forfeited to the use of the United States, and the person or persons so offending, or aiding or privy to the same, shall forfeit and pay, to the use of the United States, a sum equal in value to the said enumerated articles, or other supplies, forfeited as aforesaid, as well as of the carriage, wagon, cart, sleigh, vessel, boat, raft, or other vehicle, or beast used to transport the same; and the said citizens and persons so offending, their aiders and abettors, and also the owner or owners of any of the said enumerated articles, or other supplies, knowing of such illegal act, and the owner or owners of the carriage, wagon, cart, sleigh, vessel, boat, raft, or other vehicle, or beast, used with his, or her, or their, knowledge and consent, to transport the same, shall, moreover, be considered as guilty of a misdemeanor, and be liable to be fined, in any sum not exceeding one thousand dollars, and imprisoned for a term not exceeding three years: *Provided*, That nothing herein shall be construed to prohibit any transportation, for the use or account of the United States, or any of them, or the supply of their troops or armies, whatsoever they may be.

SEC. 4. *And be it further enacted*, That every collector, naval officer, surveyor, and inspector of the customs, shall, on probable cause, have full power and authority to seize, stop, search for, detain, and keep in custody, until it shall have been ascertained whether the same shall have been forfeited or not, all naval or military stores, arms, or the munitions of war, cattle, live stock, articles of provisions, cotton, tobacco, goods, money, or other supplies, transported, or attempted to be transported, contrary to the provisions of the next preceding section of this act, as well as the carriage, wagon, cart, sleigh, vessel, boat, raft, or other vehicles, beast or beasts, used to transport the same. And if the officers authorized as aforesaid, or any of them, shall have probable cause to suspect a concealment in any particular dwelling-house, store, or building, of any naval or military stores, arms, or munitions of war, cattle, live stock, articles of provisions, cotton, tobacco, goods, money, or other supplies, with intent to be conveyed or transported, contrary to the provisions of the next preceding section of this act, they, or either of them, shall, upon proper application, supported by oath or affirmation, to any judge or justice of the peace, be entitled to a warrant, directed to such officer, who is hereby authorized to serve the same, to

Public Acts of Congress.

enter such dwelling-house, store or other building, in day time only, and there to search for such said enumerated articles or other supplies, as aforesaid; and in case any be found, to seize, detain, and keep in custody, until it shall have been forfeited or not; and if such unlawful intent exist, as aforesaid, any judge or justice, acting upon probable cause, aforesaid, is hereby authorized and required, on the owner or owners of such enumerated articles, or other supplies, being brought, on due process, before him, to hold him or them to security in a sufficient sum, with sufficient bail for his or their good behaviour, as a person or persons suspected, upon probable cause, as aforesaid, of carrying on trade or intercourse with the enemy; the said authority to bind to good behaviour, to extend also to the persons having the custody or charge of such prohibited articles or other supplies, with knowledge of the criminal intention to transport them as aforesaid; *Provided always*, That the necessity of a search warrant, arising under this act, shall in no case be considered as applicable to any carriage, wagon, cart, sleigh, vessel, boat, or other vehicle, of whatever form or construction, employed as a medium of transportation, or to packages, on any animal or animals, or carried by man on foot. *And provided also*, That all the said enumerated articles or other supplies, which shall be seized by virtue of this act, shall be put into, and remain in the custody of the collector, or such other person as he shall appoint for that purpose, until it shall have been ascertained whether the same have been forfeited or not.

SEC. 5. *And be it further enacted*, That every collector of the customs shall have authority, with the approbation of the principal officer of the Treasury Department, to employ, within his district, such number of proper persons, as inspectors of the customs, as he shall judge necessary, who are hereby declared to be officers of the customs; and the said inspectors, before they enter on the duties of their offices, shall take and subscribe, before the collectors appointing them, or before some magistrate, within their respective districts, authorized by law to administer oaths, the following oath or affirmation, to wit: "I —, having been appointed an inspector of the customs, within and for the district, of —, do solemnly, sincerely, and truly, swear or affirm (as the case may be,) that I will diligently and faithfully execute the duties of the said office of inspector, and will use my best endeavors to prevent and detect frauds and violations against the laws of the United States; I further swear, or affirm, that I will support the Constitution of the United States."

SEC. 6. *And be it further enacted*, That any collector, naval officer, surveyor, or inspector, when proceeding to make any search or seizure authorized by this act, shall be, and is hereby, empowered to command any person who shall be within ten miles of the place where such search or seizure shall be made, to aid and assist such officer in the discharge and performance of his duty therein; and if any person, being so com-

manded, shall neglect or refuse to aid and assist such officer in making such search or seizure, the person so neglecting or refusing shall forfeit and pay a sum not exceeding two hundred dollars, and not less than fifty dollars. And such officer may also demand, in cases of resistance, the assistance of the marshal of the district, or any of his deputies, who shall call upon the posse of the district, if necessary, in his or their judgment, to render effectual the execution of this act; and all citizens or inhabitants of the district above the age of eighteen years, and able to travel, who refuse or neglect, on proper notice from the marshal, or any of his deputies, to join such posse, shall be considered guilty of a misdemeanor, and be liable to be fined, in any sum not exceeding three hundred dollars, and be imprisoned, for any term not exceeding three months.

SEC. 7. *And be it further enacted*, That the forfeitures and penalties mentioned in this act shall be sued for, prosecuted, and recovered, or inflicted, by action of debt, or by information or indictment, in any court competent to take cognizance thereof and try the same; and that all forfeitures and penalties, so recovered, by virtue of this act, shall, after deducting all proper costs and charges, be disposed of as follows: one moiety shall be for the use of the United States, and be paid into the Treasury thereof, by the collector recovering the same; the other moiety shall be divided between, and paid in equal proportions to, the collector and naval officer of the district, and surveyor of the port, wherein the same shall have been incurred, or to such of the said officers as there may be in the said district; and in districts where only one of the aforesaid offices shall have been established, the said moiety shall be given to such officer: *Provided*, That where the seizure shall have been made by any inspector or inspectors, out of the presence of the collector, naval officer, or surveyor, such inspector or inspectors shall be entitled, in addition to such other compensation as may be allowed them, to twenty-five per cent. on the moiety herein given to the collector, naval officer, and surveyor, as aforesaid, or to either of them: *And provided also*, That in all cases where such penalties and forfeitures shall be recovered, in pursuance of information given to such collector, naval officer, or surveyor, by any private informer, the one-half of such moiety shall be given to such informer, and the remainder thereof shall be disposed of between the collector, naval officer, and surveyor, in manner aforesaid, and the same allowance of twenty-five per cent. to inspectors, when the seizure is made by them as aforesaid: *And provided likewise*, That whenever the value of the property seized, condemned, and sold, under this act, shall be less than two hundred and fifty dollars, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the costs of prosecution: *And it is further provided*, That if any officer, or other person, entitled to a part or share of any of the penalties or forfeitures incurred in virtue of this act shall be necessary as a wit-

Public Acts of Congress.

ness, on the trial for such penalty or forfeiture, such officer or other person may be a witness upon the said trial, but in such case he shall not receive, or be entitled to, any part or share of the said penalty or forfeiture, and the part or share to which he otherwise would have been entitled shall revert to the United States.

SEC. 8. *And be it further enacted*, That if any suit or prosecution be commenced in any State court, against any collector, naval officer, surveyor, inspector, or any other officer, civil or military, or any other person aiding or assisting, agreeable to the provisions of this act, or under color thereof, for anything done, or omitted to be done, as an officer of the customs, or for anything done by virtue of this act, or under color thereof, and the defendant shall, at the time of entering his appearance in such court, file a petition for the removal of the cause for trial at the next circuit court of the United States to be holden in the district where the suit is pending, and offer good and sufficient surety for his entering bail in such court, on the first day of its session, copies of said process against him, and also for his there appearing at the court and entering special bail in the cause, if special bail was originally required therein, it shall then be the duty of the State court to accept the surety, and proceed no further in the cause, and the bail that shall have been originally taken shall be discharged; and such copies being entered as aforesaid in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process, whatever may be the amount of the sum in dispute, or damages claimed, or whatever the citizenship of the parties, any former law to the contrary notwithstanding: and any attachment of the goods or estate of the defendant, by the original process, shall hold the goods or estate so attached to answer the final judgment, in the same manner as by the laws of such State they would have been holden to answer final judgment, had it been rendered by the court in which the suit was commenced. And it shall be lawful, in any action or prosecution which may be now pending, or hereafter commenced, before any State court whatever, for anything done, or omitted to be done, by the defendant, as an inspector or other officer of the customs, after final judgment, for either party to remove and transfer, by appeal, such decision, during the session or term of said court, at which the same shall have taken place, from such court to the next circuit court of the United States, to be held in the district in which such appeal shall be taken in manner aforesaid; and it shall be the duty of the person taking such appeal, to produce and enter in the said circuit court attested copies of the process, proceedings, and judgment, in such cause; and it shall also be competent for either party, within six months of the rendition of a judgment in any such cause, by writ of error, or other process, to remove the same to the circuit court of the United States of that district in which such judgment shall have been rendered, and the said circuit court shall thereupon proceed to try and determine the facts and the law in such

action, in the same manner as if the same had been there originally commenced; the judgment in such case notwithstanding. And any bail which may have been taken, or property attached, shall be holden on the final judgment of the said circuit court in such action, in the same manner as if no such removal and transfer had been made as aforesaid; and the State court from which any such action may be removed and transferred as aforesaid, upon the party's giving good and sufficient security for the prosecution thereof, shall allow the same to be removed and transferred, and proceed no further in the case: *Provided, however*, That if the party aforesaid shall fail duly to enter the removal and transfer as aforesaid in the circuit court, agreeable to this act, the State court, by which judgment shall have been rendered, and from which the transfer and removal shall have been made as aforesaid, shall be authorized, on motion for that purpose, to issue execution, and to carry into effect any such judgment, the same as if no such removal and transfer had been made: *Provided nevertheless*, That this act shall not be construed to apply to any prosecution for an offence involving corporal punishment. *And provided also*, That no such appeal shall be allowed in any criminal action or prosecution, where final judgment shall have been rendered in favor of the defendant, or respondent, by the State court; and in any action or prosecution against any person as aforesaid, it shall be lawful for such person to plead the general issue, and give this act and any special matter in evidence. And if, in any such suit, the plaintiff is nonsuit, or judgment pass against him, the defendant shall recover double costs.

SEC. 9. *And be it further enacted*, That in any suit or prosecution against any person, for any act or thing done as an officer of the customs, or any person aiding or assisting such officer therein, and judgment shall be given against the defendant or respondent, if it shall appear to the court, before which such suit or prosecution shall be tried, that there was probable cause for doing such act or thing, such court shall order a proper certificate or entry to be made thereof, and in such case the defendant or respondent shall not be liable for costs, nor shall he be liable to execution, or to any action of damages, or to any other mode of prosecution for the act done by him as aforesaid: *Provided*, That such property or articles may be held in custody by the defendant, if any be, after judgment, forthwith returned to the claimant or claimants, his, her, or their, agent or agents.

SEC. 10. *And be it further enacted*, That no citizen, or person usually residing within the United States, shall be permitted to cross the frontier into any of the provinces or territory belonging to the enemy, or of which he may be possessed, without a passport first obtained from the Secretary of State, the Secretary of War, or other officer, civil or military, authorized by the President of the United States to grant the same, or from the Governor of a State or Territory; nor shall any citizen, or person residing as aforesaid, of his own accord, upon any pretence what-

Public Acts of Congress.

soever, be permitted, without such passport, to go on board of any of the ships, or vessels, or boats, of the enemy, on the Lakes, along the seaboard, or elsewhere within the bays, sounds, rivers, or waters, of the United States, or to hold any intercourse with such enemy, or with any officer thereof; nor shall any citizen, or person residing as aforesaid, be permitted, without such passport, to visit or go to any camp of the enemy established within the limits of the United States, or elsewhere, or to hold any intercourse with the same, or with any officer belonging thereto; and whosoever shall voluntarily offend against any of the prohibitions aforesaid, mentioned in this section, shall be considered guilty of a misdemeanor, and liable to be fined in any sum not exceeding one thousand dollars, and to imprisonment for any term not exceeding three years. And every person coming from any of the enemy's provinces or territory, into the United States, shall report himself forthwith, or as soon as practicable thereafter, to the military commander, or to the collector, or other chief officer of the customs, of the district within which he may first arrive, upon pain, wherever the same is omitted, of being liable to the same prosecution and punishment, as is above provided in cases of unlawful intercourse with the enemy, without the authority of a passport.

SEC. 11. *And be it further enacted*, That any person or persons found hovering upon the frontier, near any of the provinces or territory belonging to the enemy, or of which he may be possessed, or travelling towards and near the same, at a distance from his or their usual place of abode or residence, and without any lawful business requiring his or their attendance there, and without a passport, shall be liable to be held to security for his or their good behaviour, in the manner pointed out in the fourth section of this act, as a person or persons suspected, upon probable cause, of being engaged in unlawful trade or intercourse with the enemy: *Provided always*, That nothing contained in any part of this act shall be construed to alter, in any respect, the law of treason.

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ, under proper instructions, to be by him given, in cases of resistance, such part of the land and naval forces of the United States, or the militia thereof, as shall be judged necessary, for the purpose of aiding and co-operating with the officers of the customs, and all other civil magistrates, in seizing and securing persons engaged, or suspected, upon probable cause as aforesaid, to be engaged, in unlawful trade or intercourse with the enemy as aforesaid, together with the articles or supplies, or vessels, boats, vehicles, or animals, employed as aforesaid, in such trade or intercourse, and searching for and seizing any property subject to duty, or which has been unlawfully imported.

SEC. 13. *And be it further enacted*, That this act shall continue in force during the continuance

of the present war between the United States and Great Britain, and no longer: *Provided*, That the termination of the said war shall not be construed to stop or annul any proceedings that may theretofore have been commenced, or concluded, or in any way destroy or impair any rights or privileges accruing under, secured, or given, by virtue of this act, but applicable to any transaction prior thereto, the same proceedings shall and may be had as though this act were in full force.

Approved, February 4, 1815.

An Act supplementary to the act, entitled "An act to amend the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, and for other purposes."

Be it enacted, &c., That the fourth section of the act, entitled "An act to amend the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, and for other purposes," shall be construed to extend to and include any still, boiler, or other vessel, used in distillation, burnt or otherwise destroyed, whether the burning or destruction have taken place before or since the passage of the above recited act.

Approved, February 4, 1815.

An Act attaching to the Canton District, in the State of Ohio, the tract of land lying between the foot of the rapids of the Miama of Lake Erie and the Connecticut western reserve.

Be it enacted, &c., That all that tract of land lying between the foot of the rapids of the river Miami of Lake Erie and the Western line of the Connecticut reserve, in the State of Ohio, which was ceded to the United States, by certain tribes of Indians, at a treaty concluded at Brownstown, in the Michigan Territory, on the twenty-fifth day of November, one thousand eight hundred and eight, shall be attached to, and made a part of, the district of Canton.

SEC. 2. *And be it further enacted*, That in surveying and dividing the lands by this act attached to the district of Canton, the ordinary mode of surveying the public lands shall be so far deviated from, that the boundary lines of the tracts to be laid off therein shall be run parallel to, and at right angles with, the road laid out in conformity with the said treaty, and in every other respect the surveys shall be made in the same manner, and for the same compensation allowed for the surveying, the other public lands northwest of the river Ohio.

SEC. 3. *And be it further enacted*, That all the lands by this act attached to the district of Canton, shall be offered for sale to the highest bidder, under the direction of the register of the land office and the receiver of public moneys of the said district, at such time and place as the President of the United States shall designate by proclamation for that purpose; and the sales shall remain open one week, and no longer; and the said lands shall, in every respect, be sold on the

Public Acts of Congress.

same terms and conditions as have been provided for the sale of other lands of the United States. All the lands in the said tract, remaining unsold at the close of the said sales, may be disposed of at private sale by the register of the land office of the said district, on the same terms and conditions as are provided for the sale of other public lands in the same district; and patents shall be obtained in the same manner as in case of other lands of the United States.

SEC. 4. *And be it further enacted*, That the aforesaid register and receiver of public moneys shall, each, receive four dollars per day for each day's attendance on the public sales directed by this act.

Approved, February 4, 1815.

An Act for giving further time to the purchasers of public lands to complete their payments.

Be it enacted, &c., That every person who, after the first day of April, one thousand eight hundred and ten, and prior to the first day of April, one thousand eight hundred and eleven, had purchased any tract or tracts of land of the United States, not exceeding in the whole six hundred and forty acres, at any of the land offices of the United States, and whose lands have not already been actually sold or reverted to the United States, for non-payment of part of the purchase money, shall be, and they hereby are, allowed the further time of three years, from and after the expiration of the period already given by law, for completing the payment of the purchase money aforesaid; which further time of three years shall be allowed only on the following conditions: first, all arrears of interest on the purchase money shall be paid on or before the expiration of the time for completing the payment of the purchase money according to former laws: *Provided*, That in all cases in which the time for completing the payment of the purchase money may have expired, or shall expire, before the first day of June next, the interest may be paid on or before that day: second, the residue of the sum due on account of the principal of such purchase shall be paid, with interest thereon, in three equal annual payments, as follows, viz: one-third of the said sum, with the interest due thereon, within one year; one-third of the said sum, with the interest due thereon, within two years; and the residue, with the interest due thereon, within three years, after the expiration of the time for completing the payments on such purchases according to law. And in case of failure to pay the arrears of interest, or any of the three instalments of principal, with the accruing interest, at the time above-mentioned, the tract of land shall be forthwith advertised and offered for sale, in the manner and on the terms directed by law in case of lands not paid within the time limited by law, and shall revert to the United States in like manner, if the same is not sold at such sale.

Approved, February 4, 1815.

An Act to alter and amend the several acts for establishing a Navy Department, by adding thereto a Board of Commissioners.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three officers of the Navy, whose rank shall not be below a post captain, who shall constitute a Board of Commissioners for the Navy of the United States; and shall have power to adopt such rules and regulations for the government of their meetings as they may judge expedient; and the board so constituted shall be attached to the office of the Secretary of the Navy, and, under his superintendence, shall discharge all the ministerial duties of said office, relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the Naval Establishment of the United States. And the said board shall appoint their own secretary, who shall receive, in compensation for his services, a sum not exceeding two thousand dollars per annum, who shall keep a fair record of their proceedings, subject at all times to the inspection of the President of the United States and the Secretary of the Navy.

SEC. 2. *And be it further enacted*, That the said Board of Commissioners, by and with the consent of the Secretary of the Navy, be, and are hereby, authorized to prepare such rules and regulations as shall be necessary for securing a uniformity in the several classes of vessels and their equipments, and for repairing and refitting them, and for securing responsibility in the subordinate officers and agents; which regulations, when approved by the President of the United States, shall be respected and obeyed until altered and revoked by the same authority, and the said rules and regulations, thus prepared and approved, shall be laid before Congress at their next session. It shall also be the duty of said board, upon the requisition of the Secretary of the Navy, to furnish all the estimates of expenditure which the several branches of the service may require, and such other information and statements as he may deem necessary.

SEC. 3. *And be it further enacted*, That the officer of the said board holding the oldest commission shall preside; and each Commissioner shall be entitled to receive, in compensation for his services, three thousand five hundred dollars per annum, in lieu of wages, rations, and other emoluments, as naval officers; and all letters and packets to and from the said Commissioners, which relate to their official duties, shall be free from postage.

SEC. 4. *And be it further enacted*, That nothing in this act shall be construed to take from the Secretary of the Navy his control and direction of the naval forces of the United States, as now by law possessed.

Approved, February 7, 1815.

Public Acts of Congress.

An Act to authorize the purchase of a tract of land for the use of the United States.

Be it enacted, &c., That it shall be lawful for the President of the United States, and he is hereby authorized, to cause to be purchased, for the use of the United States, the whole, or such part, of that tract of land situate adjoining the village of Plattsburg, in the State of New York, on which Forts Moreau and Brown, and other works, barracks, arsenals, hospitals, and other public buildings now stand, as shall be by him judged requisite for the military purposes of the United States.

Approved, February 8, 1815.

An Act for the better regulation of the Ordnance Department.

Be it enacted, &c., That, from and after the passage of this act, the Ordnance department shall consist of one colonel, one lieutenant colonel, two majors, ten captains, ten first lieutenants, ten second lieutenants, and ten third lieutenants.

SEC. 2. *And be it further enacted,* That the Colonel, or senior officer of the Ordnance department, is authorized to enlist, for the service of that department, for five years, as many master armorers, master carriage makers, master blacksmiths, artificers, armorers, carriage makers, blacksmiths, and laborers, as the public service, in his judgment, under the directions of the Secretary for the Department of War, may require.

SEC. 3. *And be it further enacted,* That it shall be the duty of the Colonel of the Ordnance department to direct the inspection and proving of all pieces of ordnance, cannon balls, shot, shells, small arms, and side arms, and equipments, procured for the use of the armies of the United States; and to direct the construction of all cannon and carriages, and every implement and apparatus for ordnance, and all ammunition wagons, travelling forges, and artificer's wagons, the inspection and proving of powder, and the preparation of all kinds of ammunition and ordnance stores. And it shall also be the duty of the Colonel, or senior officer of the Ordnance department, to furnish estimates, and, under the direction of the Secretary for the Department of War, to make contracts and purchases for procuring the necessary supplies of arms, equipments, ordnance, and ordnance stores.

SEC. 4. *And be it further enacted,* That the Colonel of the Ordnance department shall organize and attach to regiments, corps, or garrisons, such number of artificers, with proper tools, carriages, and apparatus, under such regulations and restrictions relative to their government and number, as, in his judgment, with the approbation of the Secretary for the Department of War, may be considered necessary.

SEC. 5. *And be it further enacted,* That the Colonel of the Ordnance department, or senior officer of that department of any district, shall execute all orders of the Secretary for the Department of War, and, in time of war, the orders of any General, or field officer, commanding any

army, garrison, or detachment, for the supply of all arms, ordnance, ammunition, carriages, forges, and apparatus, for garrison, field, or siege service.

SEC. 6. *And be it further enacted,* That the keepers of all magazines and arsenals shall, quarterly, or oftener, if so directed, and in such manner as directed by the Colonel of the Ordnance department, make correct returns to the Colonel, or senior officer, of the Ordnance department, of all ordnance, arms, and ordnance stores, they may have in charge.

SEC. 7. *And be it further enacted,* That the costs of repairs of damages done to arms, equipments, or implements, in the use of the armies of the United States, shall be deducted from the pay of any officer or soldier in whose care or use the said arms, equipments, or implements were when the said damages occurred: *Provided,* The said damages were occasioned by the abuse or negligence of the said officer or soldier. And it is hereby made the duty of every officer commanding regiments, corps, garrisons, or detachments, to make, once every two months, or oftener if so directed, a written report to the Colonel of the Ordnance department, stating all damages to arms, equipments, and implements, belonging to his command, noting those occasioned by negligence or abuse, and naming the officer or soldier by whose negligence or abuse the said damages were occasioned.

SEC. 8. *And be it further enacted,* That the Colonel of the Ordnance department shall make, half yearly, to the War Department, or oftener, if the Secretary for that Department shall so direct, a correct report of the officers, and all artificers, and laborers in his Department; also, of all ordnance, arms, military stores, implements, and apparatus, of every description, and in such form as the Secretary for the Department of War shall direct.

SEC. 9. *And be it further enacted,* That to insure system and uniformity in the different public armories, they are hereby placed under the direction of the Ordnance department. And the Colonel of the Ordnance department, under the direction of the Secretary for the Department of War, is hereby authorized to establish depots of arms, ammunition, and ordnance stores, in such parts of the United States, and in such numbers, as may be deemed necessary.

SEC. 10. *And be it further enacted,* That the Colonel of the Ordnance department, under the direction of the Secretary for the Department of War, is hereby authorized to draw up a system of regulations for the government of the Ordnance department, forms of returns and reports, and for the uniformity of manufactures of all arms, ordnance, ordnance stores, implements, and apparatus, and for the repairing and better preservation of the same.

SEC. 11. *And be it further enacted,* That the pay, emoluments, and allowances, for the officers of the Ordnance department, shall be the same as the pay, emoluments, and allowances, now allowed to officers of similar grades, respectively,

Public Acts of Congress.

in the artillery of the United States. And that the pay of a master armorer shall be thirty dollars per month, and one and a half rations per day; of a master carriage maker, thirty dollars per month, and one and a half rations per day; of a master blacksmith, thirty dollars per month, and one and a half rations per day. The pay of armorers, carriage makers, or blacksmiths, each, sixteen dollars per month, and one and a half rations per day; the pay of artificers, thirteen dollars per month, and one ration per day; and the pay of laborers, nine dollars per month, and one ration per day; and to all of the said workmen, artificers, and laborers, the same clothing, and other allowances, as are allowed to privates of infantry in the Army of the United States, except clothing to the master workmen.

SEC. 12. *And be it further enacted*, That the President of the United States is hereby authorized to continue in the service, under this act, all the officers of the Ordnance department in service on the passage of the same, or to transfer them to other corps of the Army of the United States.

SEC. 13. *And be it further enacted*, That the Colonel of the Ordnance department is hereby allowed, at the rate of one thousand dollars per year, for clerks, and such books and stationery as may be necessary to his department.

SEC. 14. *And be it further enacted*, That the act passed May the fourteenth, one thousand eight hundred and twelve, entitled "An act for the better regulation of the Ordnance department," and the sections of any other acts, coming within the purview of any of the sections of this act, be, and the same are hereby, repealed.

Approved, February 8, 1815.

An Act to amend the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise.

Be it enacted, &c., That nothing contained in the first section of the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, shall be construed to extend to vine dressers who sell, at the place where the same is made, wine of their own growth, nor shall any vine dresser, for vending solely at the place where the same is made, wine of his own growth, be compelled to take out license as a retailer of wine.

Approved, February 8, 1815.

An Act making appropriations for repairing or rebuilding the public buildings within the City of Washington.

Be it enacted, &c., That the President of the United States cause to be repaired, or rebuilt, forthwith, the President's house, Capitol, and public offices, on their present sites, in the City of Washington, and that he be authorized to borrow, at an interest not exceeding six per centum per annum, from any bank or banks within the District of Columbia, or from any individual or individuals, a sum not exceeding five hundred

thousand dollars, to be applied exclusively to that object.

Approved, February 13, 1815.

An Act in addition to the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio.

Be it enacted, &c., That, in addition to the unexpended balance of the sum heretofore appropriated for laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, the sum of one hundred thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended, under the direction of the President of the United States, in making said road between Cumberland, in the State of Maryland, and Brownsville, in the State of Pennsylvania, commencing at Cumberland; which sum of one hundred thousand dollars shall be repaid out of the fund reserved for laying out and making roads to the State of Ohio, by virtue of the seventh section of an act, passed on the thirtieth day of April, one thousand eight hundred and two, entitled "An act to enable the people of the eastern division of the Territory Northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes."

Approved, February 14, 1815.

An Act making appropriations for the support of Government, for the year one thousand eight hundred and fifteen.

Be it enacted, &c., That, for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants, for the support of the Mint establishment; for the expense of intercourse with foreign nations; for the support of light-houses, beacons, buoys, and public piers; and for satisfying certain miscellaneous claims, the following sums be, and the same are hereby, respectively, appropriated; that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers, and attendants, three hundred and eighteen thousand and four dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two Houses of Congress, fifty-two thousand eight hundred dollars.

For the expenses of the Library of Congress, including the Librarian's allowance, for the year one thousand eight hundred and fifteen, eight hundred dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that department,

Public Acts of Congress.

including a clerk on old records, and a clerk and messenger in the Patent Office, fifteen thousand nine hundred and thirty-eight dollars.

For additional compensation to the clerks in said department, not exceeding fifteen per centum on the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand seventy-two dollars and fifty cents.

For the incidental and contingent expenses of the said department, including the expense of printing and distributing ten thousand four hundred copies of the laws of the third session of the thirteenth Congress, and printing the laws in newspapers, twelve thousand eight hundred and seventy dollars.

For the cost of one thousand copies of a new edition of the laws of the United States, as authorized by the act of the eighteenth of April, one thousand eight hundred and fourteen, including an additional volume, to be comprised in the said edition, eighteen thousand seven hundred and fifty dollars.

For the expense of reprinting five hundred and sixteen copies of the laws of the first and second sessions of the thirteenth Congress, captured by the enemy, seven hundred and seventy-four dollars.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, including one thousand dollars for an additional clerk, authorized by the act of the eighteenth of April, one thousand eight hundred and fourteen, fourteen thousand two hundred ninety-nine dollars and eighty-one cents.

For expense of translating foreign languages, allowance to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, including the sum of two thousand eight hundred and eighty-nine dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fifteen thousand eight hundred and sixty-six dollars.

For expense of stationery and printing, and contingent expenses, in the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, including the sum of one thousand dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, thirteen thousand two hundred and twenty-one dollars.

For expense of stationery and printing, and contingent expenses, in the Auditor's office, five hundred dollars.

For compensation to the Treasurer, clerks, and persons employed in his office, including the sum of one thousand dollars, for compensation to his clerks, in addition to the sum allowed by the act

of the twenty-first of April, one thousand eight hundred and six, seven thousand two hundred twenty-seven dollars and forty-five cents.

For expense of stationery and printing, and contingent expenses, in the Treasurer's office, six hundred dollars.

For compensation to the Commissioner of the General Land Office, clerks, and persons employed in his office, including the sum of three thousand dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-fifth of April, one thousand eight hundred and twelve, thirteen thousand four hundred and ten dollars.

For expense of stationery and printing, and contingent expenses of the General Land Office, three thousand seven hundred dollars.

For compensation to the Commissioner of the Revenue, clerks, and persons employed in his office, twelve thousand four hundred and ten dollars.

For expense of stationery and printing, and contingent expenses of the Revenue Office, six thousand six hundred and fifty dollars.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, including the sum of one thousand dollars, for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, seventeen thousand and fifty-two dollars and two cents.

For additional compensation to the clerks in the Treasury Department, not exceeding fifteen per centum on the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," six thousand six hundred and thirty-four dollars and nine cents.

For compensation to the messenger of the Register's office, for stamping and arranging ship's registers, ninety dollars.

For expense of stationery and printing, and contingent expenses of the Register's office, three thousand eight hundred dollars.

For fuel, and other contingent expenses of the Treasury Department, including rent of the houses occupied by the said department during a part of the year one thousand eight hundred and fourteen, and the whole of the year one thousand eight hundred and fifteen, and compensation of a superintendent and two watchmen, employed for the security of the Treasury buildings, six thousand nine hundred and twenty dollars.

For the purchase of fire engine and fire buckets for the Treasury Department, one thousand dollars.

For the purchase of books, maps, and charts, for the Treasury Department, four hundred dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, including the sum of three thousand nine hundred and sixty dollars, for compensation to his clerks, in addition to the sum allowed by the act of the

Public Acts of Congress.

twenty-first of April, one thousand eight hundred and six, and the sum of three hundred dollars for assistant messengers, twenty thousand five hundred and ten dollars.

For expense of stationery, printing, fuel, and other contingencies, in the office of the Secretary of War, including office rent, three thousand dollars.

For compensation to the Accountant of the War Department, clerks, and persons employed in his office, including the sum of fourteen thousand two hundred and seventy-five dollars, for compensation of his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, twenty-five thousand eight hundred and twenty-five dollars.

For contingent expenses in the office of the Accountant of the War Department, one thousand dollars.

For additional compensation to the clerks in the War Department, not exceeding fifteen per centum on the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," two thousand two hundred and twenty-six dollars.

For compensation to the Paymaster of the Army, clerks, and persons employed in his office, fifteen thousand seven hundred and ten dollars.

For contingent expenses in the office of the Paymaster of the Army, two thousand two hundred and fifty dollars.

For compensation to the Superintendent General of Military Supplies, clerks, and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the Superintendent General of Military Supplies, one thousand dollars.

For compensation to the clerks in the Adjutant and Inspector General's office, one thousand eight hundred dollars.

For compensation to the Commissary General of Purchases, and the clerks in his office, ten thousand dollars.

For contingent expenses in the office of the Commissary General of Purchases, one thousand dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, including the sum of one thousand six hundred dollars, for compensation of his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, eleven thousand four hundred and ten dollars.

For contingent expenses in the office of the Secretary of the Navy, including office rent, three thousand three hundred dollars.

For compensation to the Accountant of the Navy, clerks, and persons employed in his office, including the sum of three thousand dollars for compensation of his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, thirteen thousand four hundred and ten dollars.

For contingent expenses in the office of the Accountant of the Navy, including house rent, one thousand two hundred and fifty dollars.

For additional compensation to the clerks in the Navy Department, not exceeding fifteen per centum on the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand nine hundred and thirty-five dollars.

For compensation to the Postmaster General, Assistant Postmasters General, clerks, and persons employed in the General Post Office, including the sum of five thousand seven hundred and fifty-five dollars, for compensation of the clerks in the General Post Office, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, twenty-two thousand and ten dollars.

For contingent expenses of the General Post Office, two thousand eight hundred dollars.

For additional compensation to the clerks in the General Post Office, not exceeding fifteen per centum on the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand four hundred and one dollars and seventy-five cents.

For compensation to the several Commissioners of Loans, and for allowance to certain Commissioners of Loans in lieu of clerk hire, fourteen thousand five hundred and fifty dollars.

For compensation to the clerks of sundry Commissioners of Loans, including a sum of three thousand dollars, in addition to the amount heretofore allowed by law, and to defray the authorized expenses of the several Loan Offices, thirteen thousand seven hundred dollars.

For compensation to the Surveyor General and his clerks, three thousand five hundred dollars.

For compensation to the Surveyor of Lands South of Tennessee, and his clerks, and for the contingent expenses of his office, three thousand two hundred dollars.

For compensation to the officers and clerks of the Mint, ten thousand one hundred dollars.

For wages to the persons employed in the different operations of the Mint, including the sum of six hundred dollars allowed to an assistant engraver, seven thousand five hundred dollars.

For repairs of furnaces, cost of iron and machinery, rents, and other contingent expenses of the Mint, three thousand eight hundred dollars.

For allowance of wastage in the gold and silver coinage, three thousand dollars.

For compensation to the Governor, Judges, and Secretary of the Mississippi Territory, nine thousand dollars.

For stationery, office-rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges and Secretary of the Indiana Territory, six thousand six hundred dollars.

For stationery, office-rent, and other contingent

Public Acts of Congress.

expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Missouri Territory, seven thousand eight hundred dollars.

For stationery, office-rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, six thousand six hundred dollars.

For stationery, office-rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Illinois Territory, six thousand six hundred dollars.

For stationery, office-rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, two thousand dollars.

For compensation granted by law to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the Chief Justice and Associate Judges of the District of Columbia, and the Attorney General; and also including the sum of one thousand dollars, short appropriated in the year one thousand eight hundred and fourteen, for the salary of the District Judge of Louisiana, sixty-four thousand dollars.

For the compensations of sundry District Attorneys and Marshals, as granted by law, including those in the several Territories, seven thousand eight hundred and fifty dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia, and of jurors, and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safekeeping of prisoners, forty thousand dollars.

For the payment of sundry pensions, granted by the late Government, eight hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, ninety-eight thousand dollars.

For the relief and support of sick and disabled seamen, in addition to the funds already appropriated by law, twenty thousand dollars.

For the maintenance and support of light-houses, beacons, buoys, and public piers, stakes of channels, bars, and shoals, including repairs and improvements, and contingent expenses, twenty-four thousand two hundred and ninety-nine dollars and eleven cents.

For the support and safekeeping of prisoners of war, five hundred thousand dollars.

For defraying the expenses of ascertaining land titles in Louisiana, eight thousand dollars.

For the salaries, allowances, and contingent

expenses of Ministers to foreign nations, and of Secretaries of Legation, one hundred and nine thousand two hundred and fifty dollars.

For the contingent expenses of intercourse between the United States and foreign nations, fifty thousand dollars.

For the expenses of intercourse with the Barbary Powers, ten thousand dollars.

For the relief and protection of distressed American seamen in foreign countries, fifty thousand dollars.

For expenses of agents at Paris and Copenhagen, in relation to prize causes and captures of American vessels, four thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, four thousand dollars.

For paying to Augustus McKinney and Lazell Bancroft the amount of a judgment remitted by act of Congress, one thousand dollars.

For compensation to the board of commissioners appointed to carry into effect the act of the thirty-first of March, one thousand eight hundred and fourteen, for indemnifying certain claimants of public land in the Mississippi Territory, six thousand dollars.

For stationery, office rent, and other contingent expenses, of the last mentioned board of commissioners, a sum not exceeding twelve hundred dollars.

For the discharge of the claim of Farrington Barkelow, granted him by act of Congress for his relief, one thousand one hundred and sixty-eight dollars and twenty-five cents.

For the compensation of the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the secretary of the Navy Board, two thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act making provision for the debt of the United States, and out of any moneys in the Treasury not otherwise appropriated.

Approved, February 16, 1815.

An Act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes.

Be it enacted, &c., That any person or persons owning lands in the county of New Madrid, in the Missouri Territory, with the extent the said county had on the tenth day of November, one thousand eight hundred and twelve, and whose lands have been materially injured by earthquakes, shall be, and they are hereby, authorized to locate the like quantity of land on any of the public lands of the said Territory, the sale of which is authorized by law: *Provided*. That no person shall be permitted to locate a greater quantity of land under this act, than the quantity confirmed to him, except the owners of lots of ground or tracts of land of less quantity than one hundred

Public Acts of Congress.

and sixty acres, who are hereby authorized to locate and obtain any quantity of land, not exceeding one hundred and sixty acres, nor shall any person be entitled to locate more than six hundred and forty acres, nor shall any such location include any lead mine or salt spring: *And provided, also,* That in every case where such location shall be made according to the provisions of this act, the title of the person or persons to the land injured as aforesaid, shall revert to, and become absolutely vested in, the United States.

Sec. 2. *And be it further enacted,* That whenever it shall appear to the recorder of land titles for the Territory of Missouri, by the oath or affirmation of a competent witness, or witnesses, that any person or persons are entitled to a tract or tracts of land under the provisions of this act, it shall be the duty of the said recorder to issue a certificate thereof to the claimant or claimants; and upon such certificate being issued, and the location made, on the application of the claimants, by the principal deputy surveyor for said Territory, or under his direction, whose duty it shall be to cause a survey thereof to be made, and to return a plat of each location made to the said recorder, together with a notice in writing, designating the tract or tracts thus located, and the name of the claimant on whose behalf the same shall be made; which notice and plat the said recorder shall cause to be recorded in his office, and shall receive from the claimant, for his services on each claim, the sum of two dollars, for receiving the proof, issuing the certificate, and recording the notice and plat, as aforesaid; and the surveyor shall be entitled to the same compensation for his services from the party applying, as is allowed for surveying the public lands of the United States.

Sec. 3. *And be it further enacted,* That it shall be the duty of the recorder of land titles to transmit a report of the claims allowed, and locations made, under this act, to the Commissioner of the General Land Office, and shall deliver to the party a certificate, stating the circumstances of the case, and that he is entitled to a patent for the tract therein designated; which certificate shall be filed with the said recorder within twelve months after date, and the recorder shall thereupon issue a certificate in favor of the party, which certificate, being transmitted to the Commissioner of the General Land Office, shall entitle the party to a patent, to be issued in like manner as is provided by law for other public lands of the United States.

Approved, February 17, 1815.

An Act giving further time to complete the surveys, and obtain the patents, for lands located under Virginia resolution warrants.

Be it enacted, &c., That the officers and soldiers of the Virginia line on Continental establishment, or their legal representatives, to whom land warrants have issued by virtue of any resolution of the Legislature of Virginia, as a bounty for services which, by the laws of Virginia, passed prior

to the cession of the Northwestern Territory to the United States, entitled such officers and soldiers to bounty lands, and whose location of such warrants shall have been made prior to the twenty-third day of March, one thousand eight hundred and eleven, shall be allowed the further time of two years from the passing of this act to complete their surveys and obtain their patents for the land located as aforesaid: *Provided,* That surveys shall be made, and patents granted on the aforesaid locations, under the same regulations, restrictions, and provisions, in every respect, as were prescribed for the making of surveys and granting of patents by the act, entitled "An act authorizing patents to issue for lands located and surveyed by virtue of certain Virginia resolution warrants," passed on the third day of March, one thousand eight hundred and seven.

Approved, February 22, 1815.

An Act requiring the Secretary of the Senate and Clerk of the House of Representatives, in the Congress of the United States, to give security for the faithful application and disbursement of the contingent funds of the Senate and House of Representatives.

Be it enacted, &c., That it shall be the duty of the Secretary of the Senate, and Clerk of the House of Representatives, respectively, within ten days after the passage of this act, to give bond to the United States, with one or more sureties, to be approved by the Comptroller of the Treasury; each bond in the penal sum of twenty thousand dollars, with condition for the faithful application and disbursement of such contingent funds of the respective Houses as shall come into their hands, which bonds shall be deposited in the Comptroller's office. And it shall be the duty of each and every Secretary of the Senate, and Clerk of the House of Representatives, who may hereafter be chosen, to give bond as aforesaid, within thirty days after he enters upon the discharge of the duties of his said office.

Sec. 2. *And be it further enacted,* That, from and after the passage of this act, it shall be the duty of the Secretary of the Senate, and the Clerk of the House of Representatives, to deposit all money belonging to the United States, which may come into their hands, in one of the banks in the District of Columbia; and all debts payable by said Secretary or Clerk, on account of the Senate or House of Representatives, shall be paid by a draft, in favor of each creditor, on the bank where the money of Government may be deposited.

Approved, February 23, 1815.

An Act for the regulation of the Courts of Justice of Indiana.

Be it enacted, &c., That the Judges of the General Court of the Indiana Territory shall, in each and every year, hold two sessions of the said court, at Vincennes, in the county of Knox, on the first Mondays in February and September; at Corydon, in the county of Harrison, on the third Mon-

Public Acts of Congress.

days in February and September; and at Brookville, in the county of Franklin, on the first Mondays next succeeding the fourth Mondays of February and September; which courts, respectively, shall be composed of at least two of the judges appointed by the Government of the United States; and no person or persons, acting under the authority and appointment of the said Territory, shall be associated with the said judges.

Approved, February 24, 1815.

An Act to authorize the issuing of Treasury Notes, for the service of the year one thousand eight hundred and fifteen.

Be it enacted, &c., That the Secretary of the Treasury, with the approbation of the President of the United States, be, and he is hereby, authorized to cause Treasury notes, for a sum not exceeding twenty-five millions of dollars, to be prepared, signed, and issued, at the Treasury of the United States, in the manner hereafter provided.

SEC. 2. *And be it further enacted,* That the said Treasury notes shall be, respectively, signed in behalf of the United States by persons to be appointed for that purpose by the President of the United States, two of whom shall sign each note; and they shall receive, as a compensation for that service, at the rate of seventy-five cents for every hundred notes thus signed by them, respectively; and the said notes shall likewise be countersigned by the Register of the Treasury, or, in case of his sickness or absence, by the Treasurer of the United States.

SEC. 3. *And be it further enacted,* That the said Treasury notes shall be prepared of such denominations as the Secretary of the Treasury, with the approbation of the President of the United States shall, from time to time, direct; and such of said notes as shall be of a denomination less than one hundred dollars shall be payable to bearer, and be transferable by delivery alone, and shall bear no interest; and such of the said notes as shall be of the denomination of one hundred dollars, or upwards, may be made payable to order, and transferable by delivery and assignment, endorsed on the same, and bearing an interest from the day on which they shall be issued, at the rate of five and two-fifths per centum per annum; or they may be made payable to bearer, and transferable by delivery alone, and bearing no interest, as the Secretary of the Treasury, with the approbation of the President of the United States, shall direct.

SEC. 4. *And be it further enacted,* That it shall be lawful for the holders of the aforesaid Treasury notes not bearing an interest, and of the Treasury notes bearing an interest at the rate of five and two-fifths per centum per annum, to present them at any time, in sums not less than one hundred dollars, to the Treasury of the United States, or to any commissioner of loans; and the holders of said Treasury notes not bearing an interest, shall be entitled to receive therefor the amount of the said notes in a certificate or certificates of funded stock, bearing interest at seven per

centum per annum, and the holders of the aforesaid Treasury notes bearing an interest at the rate of five and two-fifths per centum, shall be entitled to receive therefor the amount of the said notes, including the interest due on the same, in a like certificate or certificates of funded stock, bearing an interest of six per centum per annum, from the first day of the calendar month next ensuing that in which the said notes shall thus be, respectively, presented, and payable quarter yearly, on the same days whereon the interest of the funded debt is now payable. And the stock thus to be issued shall be transferable in the same manner as the funded stock of the United States; the interest on the same, and its eventual reimbursement, shall be effected out of such fund as has been, or shall be, established by law for the payment and reimbursement of the funded public debt contracted since the declaration of war with Great Britain. And the faith of the United States is hereby pledged to establish sufficient revenues, and to appropriate them, as an addition to the said fund, if the same shall, at any time hereafter, become inadequate for effecting the purpose aforesaid: *Provided, however, and be it further enacted,* That it shall be lawful for the United States to reimburse the stock thus created, at any time after the last day of December, one thousand eight hundred and twenty-four.

SEC. 5. *And be it further enacted,* That it shall be lawful for the Secretary of the Treasury to cause the Treasury notes which, in pursuance of the preceding section, shall be delivered up and exchanged for funded stock, and also the Treasury notes which shall have been paid to the United States for taxes, duties, or demands, in the manner hereinafter provided, to be reissued, and applied anew, to the same purposes, and in the same manner, as when originally issued.

SEC. 6. *And be it further enacted,* That the Treasury notes authorized to be issued by this act, shall be everywhere received in all payments to the United States. On every such payment the note or notes shall be received for the amount of both the principal and the interest, which, on the day of such payment, may appear due on such of the notes as shall bear interest, thus given in payment; and the interest on the said notes bearing an interest shall, on such payments, be computed at the rate of one cent and one-half of a cent per day, on every hundred dollars of principal; and each month shall be computed as containing thirty days.

SEC. 7. *And be it further enacted,* That any person making payment to the United States in the said Treasury notes, into the hands of any collector, receiver of public moneys, or other public officer or agent, shall, on books kept according to such forms as shall be prescribed by the Secretary of the Treasury, give duplicate certificates of the number and respective amount of each and every Treasury note, and of the interest thereon, in case the same shall bear interest, thus paid by such person; and every collector, receiver of public moneys, or other public officer or agent, who shall thus receive in payment any of the said

Public Acts of Congress.

Treasury notes bearing interest, shall, on payment of the same into the Treasury, or into one of the banks where the public moneys are or may be deposited, receive credit, both for the principal and for the interest, computed as aforesaid, which, on the day of such last mentioned payment, shall appear due on the note or notes thus paid in: *Provided always*, That in the settlement of his accounts he shall be charged for the interest accrued on such note or notes, from the day on which the same shall have been received by him in payment as aforesaid to the day on which the same shall be paid by him as aforesaid: *And provided, also*, That no charge or deduction, on account of interest, shall be made in respect to any bank into which payments as aforesaid may be made to the United States, either by individuals, or by collectors, receivers, or other public officers or agents, and which payments shall be received by such bank as specie, and credit given to the Treasurer of the United States for the amount thereof, including the interest accrued and due on such notes, from the day on which the same shall have been received by such bank, on account of the United States.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to cause the said Treasury notes to be issued at the par value thereof, in payment of services, of supplies, or of debts, for which the United States are or may be answerable by law, to such person and persons as shall be willing to accept the same in payment; and to deposit portions of the said notes in the loan offices, or in State banks, for the purpose of paying the same to the public creditors as aforesaid; and to borrow money on the credit of the said notes; or to sell the same, at a rate not under par; and it shall be a good execution of this provision, to pay such notes to such bank or banks as will receive the same at par, and give credit to the Treasurer of the United States for the amount thereof, on the day on which the said notes shall thus be issued and paid to such bank or banks, respectively.

SEC. 9. *And be it further enacted*, That it shall and may be lawful for the holder of any Treasury notes issued, or authorized to be issued, under any laws heretofore passed, to convert the same into certificates of funded debt, upon the same terms, and in the same manner, hereinbefore provided, in relation to the Treasury notes authorized by this act, bearing an interest of five and two-fifths per centum.

SEC. 10. *And be it further enacted*, That a sum of forty thousand dollars, to be paid out of any money in the Treasury, not otherwise appropriated, be, and the same is hereby appropriated, for defraying the expense of preparing, printing, engraving, signing, and otherwise incident to the issuing, of the Treasury notes authorized by this act.

SEC. 11. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely

making, forging, or counterfeiting, any note, in imitation of, or purporting to be, a Treasury note as aforesaid; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any Treasury note, issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited, note, purporting to be a Treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered Treasury note, issued as aforesaid, knowing the same to be falsely altered; or shall be, directly or indirectly, knowingly concerned in any of the offences aforesaid, every such person shall be deemed and adjudged guilty of felony; and, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor, for a period not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Approved, February 24, 1815.

An Act to provide additional revenue for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the District of Columbia.

Be it enacted, &c., That a direct tax of nineteen thousand nine hundred and ninety-eight dollars and forty cents be, and is hereby, annually laid upon the District of Columbia, which shall be assessed and laid upon the same descriptions of property, in the same manner, and be collected and accounted for likewise in the same manner, as is provided by the "Act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," and the several acts referred to therein, or which may be passed amendatory thereof; for which purpose there shall be appointed a principal assessor for the District of Columbia, who, with such deputies as he may appoint, shall have the like qualifications and powers, receive the like compensations, discharge the like duties, and be subject to the like penalties, with the other principal or assistant assessors: *Provided*, That the said principal assessor shall, in addition to the powers of the other principal assessors, exercise the same powers and discharge the same duties devolved on the board of principal assessors, established by the said act; and the tax lists, made out by him conformably thereto, shall be delivered to the collector within one hundred and twenty days from the first day of April, in the year one thousand eight hundred and fifteen, on which day the said principal assessor shall direct and cause the several assistant assessors in his district, to inquire after and concerning all lands, lots of ground, with their improvements, dwelling-houses, and slaves, liable to taxation: *And provided*, That the collector of the said district shall, himself, retain the list of property lying within the said district, not owned.

Public Acts of Congress.

occupied, or superintended, by some person residing therein; and shall proceed to discharge the like duties that are performed in the respective States, by the collectors designated by the Secretary of the Treasury for receiving said list.

SEC. 2. *And be it further enacted*, That the principal assessor and assistant assessors for the District of Columbia, shall discharge the like duties required by the "Act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on household furniture, and on gold and silver watches," to be performed in the respective States by the assessors, anything in the tenth section of the said act to the contrary notwithstanding; which said duties, and all other acts therein required to be done, as well by the said officers as by individuals, subject to the said act, shall be performed within the District of Columbia, under the penalties, for neglect or omission, thereby prescribed, and in point of time, relatively to the said first day of April, in the year one thousand eight hundred and fifteen, and in every year thereafter, relatively to such day as may be fixed by law for the performance of the like duties and acts in the several States.

Approved, February 27, 1815.

An Act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a duty on gold, silver, and plated ware, and jewelry and paste work, manufactured within the United States.

Be it enacted, &c., That, from and after the eighteenth day of April next, there shall be paid upon all gold, silver, and plated ware, and jewelry and paste work, except time pieces, which shall thereafter be manufactured or made for sale within the United States, or the Territories thereof, a duty of six per centum ad valorem, by the manufacturer thereof.

SEC. 2. *And be it further enacted*, That the duty aforesaid shall be imposed, paid, collected, and accounted for, in like manner, and subject to the like provisions and penalties, as the duties imposed by the "Act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on various goods, wares, and merchandise, manufactured within the United States," passed the eighteenth day of January, one thousand eight hundred and fifteen, all the provisions of which act shall apply to the duty hereby imposed, and to those by whom it shall be payable, the same as if it were specifically inserted among the dutiable objects enumerated in the first section thereof.

Approved, February 27, 1815.

An Act to repeal certain acts concerning the flotilla service, and for other purposes.

Be it enacted, &c., That, from and after the first day of April next, the act, entitled "An act authorizing the President of the United States to cause to be built barges, for the defence of the

ports and harbors of the United States," passed the fifth day of July, in the year one thousand eight hundred and thirteen; and also an act, entitled "An act authorizing the appointment of certain officers for the flotilla service," passed the sixteenth day of April, in the year one thousand eight hundred and fourteen, shall be repealed and cease to be in force.

SEC. 2. *And be it further enacted*, That the barges and other vessels composing the flotilla establishment, (they being first divested of their guns and military stores, which are to be carefully preserved,) shall be sold or laid up under the direction of the President of the United States, and the moneys arising therefrom paid into the Treasury thereof.

SEC. 3. *And be it further enacted*, That all the commissioned and warrant officers, and all the privates, who shall be discharged in consequence of the repeal of the acts aforesaid, shall be entitled to receive four months' pay, over and above what may be due to them, respectively, at the time of their discharge.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to cause all the armed vessels thereof on the Lakes, except such as he may deem necessary to enforce the proper execution of the revenue laws, to be sold or laid up, as he may judge most conducive to the public interest; such vessels being first divested of their armament, tackle, and furniture, which are to be carefully preserved.

SEC. 5. *And be it further enacted*, That the act entitled "An act authorizing the President of the United States to cause to be built, or purchased, the vessels therein mentioned," passed the fifteenth day of November, in the year one thousand eight hundred and fourteen, be, and the same is hereby, repealed; and the President of the United States is hereby, authorized to cause to be sold such of the vessels acquired under the said act as he may deem inexpedient to be retained in the public service; and to cause the moneys arising therefrom to be paid into the public Treasury.

SEC. 6. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be sold, they being first divested of their guns and military stores, which are to be carefully preserved, such and so many of the gunboats belonging to the United States, as in his judgment may no longer be necessary to be retained for the public service; and such of the warrant officers and privates as may be discharged in consequence of such sale, shall be entitled to receive four months' pay, over and above what may be due to them at the time of their discharge.

Approved, February 27, 1815

An Act to amend and extend the provisions of the act of the sixteenth of April, one thousand eight hundred and fourteen, entitled "An act confining certain claims to land in the Illinois Territory and providing for their location."

Be it enacted, &c., That the western boundary

Public Acts of Congress.

of the tract of country set apart by the act of the sixteenth of April, one thousand eight hundred and fourteen, entitled "An act confirming certain claims to land in the Illinois Territory, and providing for their location," be extended upon the river Mississippi, to the middle thereof, so as to include all islands in said river, between the middle and eastern margin, throughout the length of said line; and that all or any of the said islands shall be subject to be appropriated under the said recited act.

SEC. 2. *And be it further enacted*, That the proviso contained in the fourth section of the before recited act be repealed, so far as it regards persons settled on fractions of sections or quarter sections containing less than one hundred and sixty acres; and that such persons, under the like circumstances, shall be considered as entitled to all the rights, benefits, and advantages, specified in the said fourth section, as those settled on sections or quarter sections, and also to any right, privilege, or advantage, secured by this act: *Provided, however*, That such persons shall not be permitted, in such cases, to take less than the whole quantity of such fractional quarter section on which they are respectively settled.

SEC. 3. *And be it further enacted*, That every person or persons, who settled on and improved any of the lands in the said Territory, reserved for the use of schools or seminaries of learning, before the fifth day of February, one thousand eight hundred and thirteen, and who would have had the right of pre-emption thereto had not the same been reserved as aforesaid, shall be entitled to the pre-emption of the like quantity of other land, upon the same terms, and under the same restrictions, provided by the fourth section of the said recited act, to be located on any lands within the boundary specified in this and the said recited act, not otherwise appropriated; and such persons shall also be entitled to the benefit of, and subject to, the restrictions contained in this act.

SEC. 4. *And be it further enacted*, That all and every person or persons entitled to the pre-emption of lands, under the fourth section of the before recited act, who failed to locate their claims within the time limited in said act, and which lands have been appropriated by others, shall be entitled to the pre-emption of the like quantity as they could have appropriated under the said act, or under the provisions of this act, to be located on any land within the boundary specified in this and the said recited act, not previously appropriated.

SEC. 5. *And be it further enacted*, That all and every person or persons, entitled to the pre-emption of lands under the provisions of this act, shall conform to, and be governed by, the rules prescribed in the said recited act, in locating, proving, and completing, their titles respectively, except in cases where the same is changed by this act.

SEC. 6. *And be it further enacted*, That it shall be the duty of the register of the land office for the district of Kaskaskia to give notice, by an advertisement inserted, for one month, in at least one newspaper published in the said Territory, to all persons entitled to pre-emption in the purchase

of any tract of land, by virtue of this or the before recited act, that they may make such purchase, on application to him at his office, on or before the first day of May, in the year one thousand eight hundred and sixteen; and every person failing or refusing to enter, with the said register, the land to which the right of pre-emption is so secured, notice being given as before mentioned, within the time aforesaid, shall lose his, her, or their, right of pre-emption.

SEC. 7. *And be it further enacted*, That the locations of any confirmed claim, made by virtue of any authority given by the commissioners appointed to examine the claims of persons to land in the Illinois Territory, shall be, and the same are hereby, confirmed: *Provided*, That the provisions of this section shall not be so construed as to extend to any locations made by any person or persons without any authority from the commissioners aforesaid; nor shall it affect the claims of any other person or persons.

SEC. 8. *And be it further enacted*, That the register and receiver of public moneys of the land office at Kaskaskia shall be allowed the same commission, respectively, on the confirmed claims, which have been or shall be received in payment for land entered at the said office, as they are now entitled to on moneys received in payment for lands sold, calculating the value of the confirmed claims at the rate of two dollars per acre.

SEC. 9. *And be it further enacted*, That it shall be lawful for Ann Gilham to locate any unappropriated quarter section within the Illinois Territory; and whenever the said Ann Gilham shall enter, with the register of the land office at Kaskaskia, any unappropriated quarter section, it shall be the duty of the register to issue, to the said Ann Gilham, a certificate specifying therein the quarter section so located; and it shall be the duty of the Commissioner of the General Land Office to issue a patent for the land so located, whenever the certificate aforesaid shall be presented to him for that purpose.

Approved, February 27, 1815.

An Act to repeal certain acts therein mentioned.

Be it enacted, &c., That the act, entitled "An act to authorize the President of the United States to accept the services of State troops, and of volunteers," and the act, entitled "An act to authorize the raising a corps of sea fencibles," be, and the same are hereby, repealed.

Approved, February 27, 1815.

An Act in addition to the act regulating the Post Office Establishment.

Be it enacted, &c., That the Postmaster General be, and is hereby, authorized to allow to the postmasters, respectively, such commission on the moneys arising from the postage of letters, newspapers, and packets, as shall be adequate to their respective services and expenses: *Provided*, That the said commission shall not exceed the following several rates on the amount collected in one quarter; that is to say:

Public Acts of Congress.

On a sum not exceeding one hundred and fifty dollars, twenty per cent.

On a sum not exceeding four hundred and fifty dollars, seventeen per cent.

On a sum not exceeding three thousand dollars, thirteen per cent.

On any sum over three thousand six hundred dollars, five per cent.

He may also allow the postmasters at distributing post offices, a commission of four per cent. on any sum of postages distributed, not exceeding four thousand dollars, and a commission of three per cent. on any sum of postages distributed over four thousand dollars.

He may also allow to such postmasters as receive and despatch foreign mails, a sum not exceeding twenty-five dollars per quarter year, for that service; and he may augment the commission of those postmasters who receive the mail regularly between the hours of nine o'clock in the evening and five o'clock in the morning, from twenty to thirty-three and one-third per cent. on one hundred and fifty dollars received in each quarter.

He may also allow to each postmaster one cent for each free letter delivered out of his office, and one cent for each free letter originally received by him and forwarded by mail.

He may also allow to each postmaster ten cents for every monthly register of the arrival and departure of the mail, returned to the General Post Office. The Postmaster General may also allow to the postmasters, respectively, a commission of thirty-three and one-third per cent. on the amount of postages which they shall collect on newspapers, magazines, and pamphlets; but no allowance for distribution, or for free letters, shall be made to any postmaster who shall collect postages to the amount of five thousand dollars in one quarter.

SEC. 2. *And be it further enacted*, That this act shall be in force on and after the first day of April next, and thereupon all other acts and clauses thereof, providing compensation or allowance to any postmaster or postmasters, shall cease to have effect, and are hereby repealed: *Provided*, That nothing herein contained shall be construed to affect, alter, or repeal, the provisions of the fortieth section of the act regulating the Post Office Establishment.

SEC. 3. *And be it further enacted*, That the Postmaster General be authorized to have the mail carried in any steamboat, or other vessel, which shall be used as a packet, in any of the waters of the United States, on such terms and conditions as shall be considered expedient: *Provided*, That he do not pay more than three cents for each letter, and each packet, and more than one half cent for each newspaper, conveyed in such mail.

SEC. 4. *And be it further enacted*, That it shall be the duty of every master or manager of any steamboat, packet, or other vessel, which shall pass from one part or place to another part or place, in the United States, where a post office is established, to deliver, within three hours after

his arrival, if in the day time, and within two hours after the next sunrise, if the arrival be in the night, all letters and packets addressed to, or destined for, such port or place, to the postmaster there, for which he shall be entitled to receive of such postmaster two cents for every letter or packet so delivered, unless the same shall be carried or conveyed under a contract with the Postmaster General; and if any master or manager of a steamboat, or other vessel, shall fail so to deliver any letter, or packet, which shall have been brought by him, or shall have been in his care, or within his power, he shall incur a penalty of thirty dollars for every such failure.

SEC. 5. *And be it further enacted*, That every person employed on board any steamboat, or other vessel employed as a packet, shall deliver every letter, and packet of letters, intrusted to such person, to the master or manager of such steamboat, or other vessel, and before the said vessel shall touch at any other port or place; and for every failure, or neglect so to deliver, a penalty of ten dollars shall be incurred for each letter and packet.

Approved, February 27, 1815.

An Act to alter and establish certain Post Roads.

Be it enacted, &c., That the following post roads be, and the same are hereby, discontinued; that is to say: From Columbia, by Shelbyville, and Winchester, to Fayetteville, in Tennessee. From Tellico, in Tennessee, by Amoy river, Vanstown, and Tuckeytown, to Fort Stoddard, in Mississippi Territory; and from Tuckabatchy, by Tensaw, and Fort Stoddard, to Pascagoula river, in Mississippi Territory; from Cynthia to Georgetown, in Kentucky. In North Carolina, from Washington to Lake Landing, on Mottamuskeet. From Concord, by Loudon, Gilmanston, Meredith, New Holderness, to Plymouth; thence, by New Hampton, Sanbornton, Northfield, and Canterbury, to Concord.

SEC. 2. *And be it further enacted*, That the following be established post roads; that is to say:

In New Hampshire.—From Concord to Fryeburgh, in Maine. From Concord, by Salisbury, Andover, New Chester, Bridgewater, Plymouth, thence by New Holderness, New Hampton, Sanbornton, Salisbury, to Concord. From Exeter, by Brentwood, Poplin, Raymond, Candia, and Pembroke, to Concord.

In Vermont.—From Chester South village, by Andover, Weston, Land Grove, and Peru, to Manchester. From Salem, New York, by Rupert, Paulet, Middleton, and Ira, to Rutland.

In Maine.—From Kennebunk to Alfred; from Prospect, by Mount Ephraim, to Frankfort.

In Massachusetts.—From Hosack, New York, by Pawna, Vermont, to Williamstown. From Northampton, by Hadley, Sunderland, and Montague, to Northfield. From Foxborough, by Mansfield, and Norton, to Taunton.

In Connecticut.—That the post road from Norwalk, by Reading, to Danbury, pass through Saugatuck, and by the town-house in Reading.

In New York.—From Hadley Landing, in Sar-

Public Acts of Congress.

atoga, to Luzern, in Warren county. From Hamilton village, by Guilderland, Berne, Schoharie Courthouse, the Brick Church in Cobleskill, Colonel I. Steward's, and Maryland, to Milford. From West Point to Haverstraw. From Burrage Mills, in Coventry, to Oxford. That the mail from Huntington be carried by the north road to Smithtown, instead of the south road. From Stillwater, by Dunning street, in Malta, and the south end of Saratoga Lake, to Ballston Springs, thence, by the north end of Saratoga Lake, and by Rogers' Mills, to Stillwater. From Manlius, in Onondaga county, to Elbridge, in Camillus, thence to Auburn, in Cayuga county. From Bainbridge, through Coventry, to Green.

In New Jersey.—From Newark, by Orange Dale, and Hanover, to Morristown. From Asbury, in Mansfield township, by Hacketstown, Greenville, Newtown, and Frankfort, to Deckerstown.

In Pennsylvania.—From Huntington, by Woodcock Valley, Bedford, and Cumberland Valley, to Cumberland, in Maryland. From Mercer to New Castle. From Lancaster to Lebanon. From York, by Dover, Rosstown, Lewisburg, and Lisburn, to Carlisle.

In Ohio.—From Zanesville to Coshocton.—From Wheeling, in Virginia, by Stephen Scott's, at the mouth of Fishing Creek, to Marietta. From Delaware, in Ohio, by Norton, Upper Sandusky, and Lower Sandusky, to Fort Meigs. From Lebanon to Hamilton.

In Maryland.—From Baltimore, by Queens-town, Hillsborough, and Denton, to Milford. From Westminster, in Frederick county, through Uniontown, Middleburgh, Greenham, Mechanickstown, and Cavetown, to Hagerstown. From Elkton, by Sabinton, to Georgetown Cross Roads.

In Virginia.—From Lindsay's store, by Barboursville and Stannardsville, to Harrisonburg. From Richmond to Lindsay's store, in Albemarle county. From Colesville, in Chesterfield county, by Halcomb's and Dennis's, to Amelia Courthouse, in lieu of the present route from Colesville to Amelia Courthouse. From Parkersburg, in Wood county, to Point Pleasant; that the route from Hopkins' tavern to Powhatan Courthouse, pass by way of Genito Bridge. That the Postmaster General be authorized to send a mail from Port Tobacco, in Maryland, to Hanover town, so long as a stage shall run on that route. From the town of Petersburg, Virginia, by the Double Bridges, and John Key's tavern, in the county of Lunenburg, to Charlotte Courthouse. From Williesburg, in Charlotte county, by Doctor Snead's, in Halifax county, to Cunningham's store, in Person county, North Carolina.

In Kentucky.—From Cynthiaua, by Paris, and Winchester, to Richmond. From Isbelville to Clarksville, Tennessee. From Lexington to Georgetown. From Cincinnati, by Kennedy's, Gaines', and Arnold's, on the Ridge road, to Georgetown. From Glasgow to Allen Courthouse, and from Allen Courthouse to Bowling Green. From Middletown to Westport.

In North Carolina.—From Washington, by Bath, John Adams's, the Log House Landing, on

Pungo river, and Germantown, to the Lake Landing, in Matamuskeet. From Tarborough to Cobb's Bridge, in Edgecomb county. From Bryant's Cross Roads to Windsor. From Tarborough to Scotland Neck. From Pittsborough, by Liberty, and Gardner's store, to Lexington.

In Tennessee.—From Nashville, by Harpeth Settlement, and Shelbyville, to Fayetteville. From Rhea Courthouse, by Highwassay Garrison, Ross Fort, and Fort Jackson, to Fort St. Stephens.

In South Carolina.—From Marion Courthouse, by Harleysville, to Marlborough, to return by Brownsville, to Marion Courthouse. From Cheraw Courthouse, by the Burnt Saw Mills, on Lynch's creek, Williamsburg Courthouse, and Murray's Ferry, on Santee, to Monk's Corner.

In the Mississippi Territory.—From the Choctaw agency, by John Ford's, on Pearl river, to New Orleans, in the State of Louisiana.

In the Illinois Territory.—From Johnson Courthouse to Salem, in Kentucky.

Approved, March 1, 1815.

An Act making appropriations for the support of the Military Establishment for the year one thousand eight hundred and fifteen.

Be it enacted, &c., That, for defraying the expenses of the Military Establishment of the United States, for the year one thousand eight hundred and fifteen, for ordnance, fortifications, and the Indian department, the following sums be, and the same are hereby, respectively, appropriated; that is to say:

For the pay of the Army of the United States, including the private servants kept by officers, nine hundred thousand dollars.

For forage to officers, one hundred and twenty-five thousand dollars.

For subsistence of the Army, seven hundred thousand dollars.

For the medical and hospital department, fifty thousand dollars.

For clothing, three hundred and twenty-five thousand dollars.

For the Quartermaster's department, two hundred thousand dollars.

For purchasing horses for artillery, one hundred thousand dollars.

For ordnance and ordnance stores, including arsenals, magazines, and armories, nine hundred and thirty-eight thousand three hundred and thirty-eight dollars.

For fortifications, four hundred thousand dollars.

For contingencies, two hundred thousand dollars.

For the Indian department, two hundred thousand dollars.

For advancing three months' pay to the officers deranged, and noncommissioned officers and privates discharged, one million two hundred thousand dollars.

SEC. 2. *And be it further enacted,* That the several appropriations hereinbefore made, shall

Public Acts of Congress.

be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, March 3, 1815.

An Act making further provision for completing the public buildings at West Point for the accommodation of the Military Academy.

Be it enacted, &c., That the sum of twenty thousand dollars be and the same is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for completing buildings, and for providing an apparatus, a library, and all necessary implements, and for such contingent expenses as may be necessary and proper, in the judgment of the President of the United States, for the better support and accommodation of the Military Academy at West Point.

Approved, March 3, 1815.

An Act making appropriations for the support of the Navy of the United States for the year one thousand eight hundred and fifteen.

Be it enacted, &c., That, for defraying the expenses of the Navy, for the year one thousand eight hundred and fifteen, the following sums be and are hereby, respectively, appropriated; that is to say:

For pay and subsistence of the officers, and pay of the seamen, one million five hundred thirty-eight thousand three hundred sixty-four dollars and fifty cents.

For provisions, six hundred and seventy-three thousand nine hundred and seventy-two dollars and fifty cents.

For medicine, hospital stores, and all expenses on account of the sick, forty thousand dollars.

For repairs of vessels, five hundred thousand dollars.

For contingent expenses, including freight, transportation, and recruiting expenses, five hundred and fifty thousand dollars.

For ordnance, ammunition, and military stores, three hundred thousand dollars.

For navy yards, docks, and wharves, one hundred and sixty thousand dollars.

For pay and subsistence of the Marine Corps, one hundred and ninety thousand and twenty dollars.

For clothing for the same, sixty thousand three hundred and fifty-seven dollars.

For military stores for the same, one thousand six hundred dollars.

For contingent expenses for the same, eighteen thousand seven hundred and eight dollars.

For the purchase of the vessels captured by Commodore Macdonough, on Lake Champlain, such sum as shall be agreed upon, with the approbation of the President, not exceeding four hundred thousand dollars.

SEC. 2. And be it further enacted, That the several appropriations hereinbefore made, shall be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, March 3, 1815.

An Act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty on tonnage, between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States.

Be it enacted, &c., That so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty of tonnage, between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, be, and the same are hereby, repealed, so far as the same respects the produce or manufacture of the nation to which such foreign ships or vessels may belong. Such repeal to take effect in favor of any foreign nation, whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished.

Approved, March 3, 1815.

An Act for fixing the Military Peace Establishment of the United States.

Be it enacted, &c., That the Military Peace Establishment of the United States shall consist of such proportions of artillery, infantry, and riflemen, not exceeding, in the whole, ten thousand men, as the President of the United States shall judge proper, and that the corps of engineers, as at present established, be retained.

SEC. 2. And be it further enacted, That the corps of artillery shall have the same organization as is prescribed by the act passed the thirtieth of March, one thousand eight hundred and fourteen; and the regiment of light artillery the same organization as is prescribed by the act passed the twelfth day of April, one thousand eight hundred and eight; and that each regiment of infantry and riflemen shall consist of one colonel, one lieutenant colonel, one major, one adjutant, one quartermaster, one paymaster, one surgeon, and two surgeons' mates, one sergeant major, one quartermaster sergeant, two principal musicians, and ten companies; each company to consist of one captain, one first lieutenant, and one second lieutenant, four sergeants, four corporals, two musicians, and sixty-eight privates.

SEC. 3. And be it further enacted, That there shall be two major generals, and four brigadier generals: the major generals to be entitled to two aids-de-camp, and the brigadier generals to one aid-de-camp, each, to be taken from the subalterns of the line; four brigade inspectors, and four brigade quartermasters, and such number of hospital surgeons and surgeon's mates, as the service may require, not exceeding five surgeons and fifteen mates, with one steward and one wardmaster to each hospital. The brigade inspectors, appointed under this act, shall be taken from the

Public Acts of Congress.

line, and the brigade quartermasters, the adjutants, regimental quartermasters, and paymasters, from the subalterns of the line.

SEC. 4. *And be it further enacted*, That the compensation, subsistence, and clothing, of the officers, cadets, non-commissioned officers, musicians, artificers, and privates, composing the Military Peace Establishment, shall be the same as are prescribed by the act, entitled "An act fixing the Military Peace Establishment of the United States," passed sixteenth March, one thousand eight hundred and two, and the act, entitled "An act to raise, for a limited time, an additional military force," passed twelfth April, one thousand eight hundred and eight; and that the major generals shall be entitled to the same compensation as is provided by an act, entitled "An act to raise an additional military force," passed eleventh January, one thousand eight hundred and twelve.

SEC. 5. *And be it further enacted*, That the President of the United States cause to be arranged, the officers, non-commissioned officers, musicians, and privates, of the several corps of troops now in the service of the United States, in such a manner as to form and complete out of the same the corps authorized by this act, and cause the supernumerary officers, non-commissioned officers, musicians, and privates, to be discharged from the service of the United States, from and after the first day of May next, or as soon as circumstances may permit.

SEC. 6. *And be it further enacted*, That to each commissioned officer, who shall be deranged by virtue of this act, there shall be allowed and paid, in addition to the pay and emoluments to which they will be entitled by law at the time of his discharge, three months' pay.

SEC. 7. *And be it further enacted*, That the several corps authorized by this act, shall be subject to the rules and articles of war, be recruited in the same manner, and with the same limitations; and that officers, non-commissioned officers, musicians, and privates, shall be entitled to the same provision for wounds and disabilities, the same provision for widows and children, and the same benefits and allowances in every respect, not inconsistent with the provisions of this act, as are authorized by the act of sixteenth March, one thousand eight hundred and two, entitled "An act fixing the Military Peace Establishment of the United States," and the act of the 12th April, one thousand eight hundred and eight, entitled "An act to raise, for a limited time, an additional military force;" and that the bounty to the recruit, and compensation to the recruiting officer, shall be the same as are allowed by the aforesaid act of the 12th of April, one thousand eight hundred and eight.

Approved, March 3, 1815.

—
An Act concerning Invalid Pensioners.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the following named persons, whose claims have been trans-

mitted to Congress, pursuant to a law passed the tenth day of April, eighteen hundred and six, on the pension list of invalid pensioners of the United States, according to the rates, and to commence at the times, herein mentioned; that is to say:

Robert Holberd, at the rate of five dollars per month, to commence on the thirtieth day of March, one thousand eight hundred and fourteen.

Eli Short, at the rate of three dollars and seventy-five cents per month, to commence the thirtieth day of March, one thousand eight hundred and fourteen.

Spencer Darnell, at the rate of five dollars per month, to commence on the fourteenth day of February, eighteen hundred and fourteen.

Abraham Estes, at the rate of three dollars and seventy-five cents per month, to commence the seventeenth day of April, eighteen hundred and fourteen.

Willis Tandy, at the rate of one dollar and twenty-five cents per month, to commence the seventeenth day of April, eighteen hundred and fourteen.

Samuel Sharon, at the rate of two dollars and fifty cents per month, to commence the seventeenth day of August, eighteen hundred and fourteen.

Alexander Naismith, at the rate of two dollars and fifty cents per month, to commence the twentieth day of August, eighteen hundred and fourteen.

Isaac Gray, at the rate of six dollars and sixty-six cents per month, to commence the twenty-second day of September, eighteen hundred and fourteen.

Thomas Williams, at the rate of two dollars and fifty cents per month, to commence the twenty-seventh day of July, eighteen hundred and fourteen.

John R. Rappleye, at the rate of five dollars per month, to commence the second day of September, eighteen hundred and fourteen.

John Sweeny, at the rate of seven dollars and fifty cents per month, to commence the seventeenth of March, eighteen hundred and fourteen.

Joshua Merrill, at the rate of two dollars and fifty cents per month, to commence the fourth of August, eighteen hundred and fourteen.

Grieve Drummond, at the rate of five dollars per month, to commence the twenty-eighth day of January, eighteen hundred and fifteen.

John Ward, at the rate of two dollars and fifty cents per month, to commence the thirtieth day of November, eighteen hundred and fourteen.

Charles Rumsey, at the rate of five dollars per month, to commence the twelfth day of July, eighteen hundred and fourteen.

Grant Taylor, at the rate of five dollars per month, to commence the twenty-fourth day of November, eighteen hundred and fourteen.

Henry Bateman, at the rate of five dollars per month, to commence the seventeenth day of March, eighteen hundred and fourteen.

John Norton, at the rate of two dollars and fifty cents per month, to commence the eleventh day of May, eighteen hundred and fourteen.

Public Acts of Congress.

Jesse Young, at the rate of five dollars per month, to commence the sixth day of August, one thousand eight hundred and fourteen.

Daniel Averill, at the rate of two dollars and fifty cents per month, to commence the third day of January, eighteen hundred and fourteen.

John Bell, at the rate of ten dollars per month, to commence the ninth day of September, eighteen hundred and fourteen.

Minnie Ryneason, at the rate of two dollars and fifty cents per month, to commence the sixth day of January, eighteen hundred and fifteen.

William Bond, at the rate of five dollars per month, to commence the eighth day of December, eighteen hundred and fourteen.

Richard Osburn, at the rate of two dollars and fifty cents per month, to commence the fifth day of September, eighteen hundred and fourteen.

Julius Turner, at the rate of three dollars and seventy-five cents per month, to commence the eighteenth day of August, eighteen hundred and fourteen.

William Cook, at the rate of two dollars and fifty cents per month, to commence the eighteenth day of August, eighteen hundred and fourteen.

John Frazer, at the rate of three dollars and seventy-five cents per month, to commence the sixteenth day of November, eighteen hundred and fourteen.

Christopher Sites, at the rate of two dollars and fifty cents per month, to commence the seventeenth day of February, eighteen hundred and fifteen.

William Barton, at the rate of thirty dollars per month, to commence the first day of January, eighteen hundred and fifteen.

William Berry, at the rate of five dollars per month, to commence the thirty-first day of March, eighteen hundred and fourteen.

James McNeal, at the rate of five dollars per month, to commence on the thirteenth day of September, eighteen hundred and fourteen.

Emanuel Kent, junior, at the rate of five dollars per month, to commence the thirteenth day of September, eighteen hundred and fourteen.

Jeremiah Searcy, of South Carolina, at the rate of five dollars per month, to commence from the third of March, eighteen hundred and fifteen.

Sec. 2. *And be it further enacted*, That the pensions of the following persons, already placed on the pension list of the United States, whose claims for an increase of pension have been transmitted to Congress pursuant to the act aforesaid, be increased to the sums herein respectively annexed to their names. The said increase to commence at the times herein mentioned; that is to say:

Charles Hunton, at the rate of two dollars and fifty cents per month, to commence the fourteenth day of November, eighteen hundred and fourteen.

Thomas Williams, at the rate of five dollars per month, to commence the twenty-ninth of October, eighteen hundred and fourteen.

Samuel White, at the rate of three dollars and seventy-five cents per month, to commence the twenty-eighth day of December, eighteen hundred and fourteen.

Thomas Machin, at the rate of twenty dollars per month, to commence the twenty-ninth day of October, eighteen hundred and fourteen.

John McClennon, at the rate of five dollars per month, to commence the third day of November, eighteen hundred and fourteen.

Richard Gressum, at the rate of five dollars per month, to commence the eighth day of November, eighteen hundred and fourteen.

Approved, March 3, 1815.

An Act to provide a library room, and for transporting the library lately purchased.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause a proper apartment to be immediately selected and prepared for a library room, and to cause the library, lately purchased from Thomas Jefferson, to be placed therein during the ensuing recess of Congress.

Sec. 2. *And be it further enacted*, That the accounting officers of the Treasury be, and they are hereby, authorized and directed to settle the account of the expenditures incurred under this act; and that the amount so settled shall be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, March 3, 1815.

An Act concerning the Naval Establishment.

Be it enacted, &c., That in addition to the sums heretofore appropriated for that purpose, the sum of two hundred thousand dollars be, and the same is hereby, appropriated, annually, for three years, towards the purchase and supply of a stock of every description of timber required for ship building, and other naval purposes, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, March 3, 1815.

An Act to repeal certain acts therein mentioned.

Be it enacted, &c., That all acts, or parts of acts, which prohibit the entrance of the vessels of any foreign nation into the harbors or waters under the jurisdiction of the United States, be, and the same are hereby, repealed.

Sec. 2. *And be it further enacted*, That the "Act to prohibit American vessels from proceeding to, or trading with, the enemies of the United States, and for other purposes," passed the sixth day of July, eighteen hundred and twelve, be, and the same is hereby, repealed.

Sec. 3. *And be it further enacted*, That the "Act to prohibit the use of licenses or passes, granted by the authority of the Government of the United Kingdom of Great Britain and Ireland," passed the second day of August, eighteen hundred and thirteen, be, and the same is hereby, repealed.

Public Acts of Congress.

SEC. 4. *And be it further enacted*, That all penalties and forfeitures which have been incurred by virtue of the acts, or parts of acts, repealed, shall be hereby recovered and distributed in like manner as if the same had continued in full force.

Approved, March 3, 1815.

An Act increasing the compensation allowed the Sergeants-at-Arms of the Senate and House of Representatives, and of the Doorkeeper and Assistant Doorkeeper of the Senate and House of Representatives.

Be it enacted, &c., That, in addition to the sum already allowed by law to the Sergeants-at-Arms of the Senate and House of Representatives, and the Doorkeeper and Assistant Doorkeeper of the Senate and House of Representatives, be entitled to receive, annually, the sum of five hundred and fifty dollars, respectively, and that the additional compensation here allowed be considered to take effect from the first day of January, one thousand eight hundred and fourteen.

Approved, March 3, 1815.

An Act to authorize a loan for a sum not exceeding eighteen millions four hundred and fifty-two thousand eight hundred dollars.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to borrow, on the credit of the United States, a sum not exceeding eighteen millions four hundred fifty-two thousand eight hundred dollars, to be applied, in addition to the moneys now in the Treasury, or which may be received from other sources, to defray any expenses which have been, or, during the present year, may be, authorized by law, and for which appropriations have been, or, during the present year, may be, made by law: *Provided*, That no engagement or contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums thus borrowed, at any time after the expiration of twelve years from the last day of December next.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury, with the approbation of the President of the United States, be, and he is hereby, authorized to cause to be constituted certificates of stock, signed by the Register of the Treasury, or by a commissioner of loans, for the sum to be borrowed by this act, or for any part thereof, and the same to be sold. And the Secretary of the Treasury shall lay before Congress, during the first week in the month of February, one thousand eight hundred and sixteen, an account of all the moneys obtained by the sale of the certificates of stock, in manner aforesaid, together with a statement of the rate at which the same may have been sold.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to employ an agent or agents, for the purpose of obtaining subscriptions to the loan authorized by this act, or of selling any part of the stock to be created by virtue thereof. A

commission, not exceeding one-quarter of one per centum, on the amount thus sold, or for which subscriptions shall have been thus obtained, may, by the Secretary of the Treasury, be allowed to such agent or agents; and a sum not exceeding thirty thousand dollars, to be paid out of any moneys in the Treasury, not otherwise appropriated, is hereby appropriated, for paying the amount of such commission or commissions as may be thus allowed, and also for defraying the expenses of printing and issuing the subscription certificates, and certificates of stock, and other expenses incident to the completing of the loan authorized by this act.

SEC. 4. *And be it further enacted*, That so much of the funds constituting the annual appropriation of eight millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the necessary sums for the payment of the interest, and such part of the principal, of the said debt, as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal, of the stock which may be created by virtue of this act. It shall, accordingly, be the duty of the Commissioners of the Sinking Fund, to cause to be applied and paid, out of the said fund, yearly, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal, as the same may become due and may be discharged in conformity with the terms of the loan. And they are further authorized to apply, from time to time, such sum or sums, out of the said fund, as they may think proper, towards redeeming, by purchase, and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the United States is hereby pledged to establish sufficient revenues for making good any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

SEC. 5. *And be it further enacted*, That it shall be lawful for any of the banks in the District of Columbia, to lend any part of the sum authorized to be borrowed by virtue of this act, anything in any of their charters to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to accept, in payment of any loan obtained in virtue of this act, such Treasury notes as have been actually issued before the passing of this act, and which were made by law a charge upon the sinking fund, such Treasury notes to be credited for the principal thereof and the amount of interest actually accrued at the time of the payment.

SEC. 7. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to cause to be paid the interest upon the Treasury notes which have become due, and remain unpaid, as well with respect to the time elapsed before they became due, as with respect to the time that shall elapse after they become due, and until

Public Acts of Congress.

funds shall be assigned for the payment of the said Treasury notes, and notice thereof shall be given by the Secretary of the Treasury.

Approved, March 3, 1815.

An Act to provide for the ascertaining and surveying of the boundary lines fixed by the Treaty with the Creek Indians, and for other purposes.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be ascertained and surveyed the boundary line designated by the Treaty with the Creek nation of Indians, concluded on the ninth day of August, one thousand eight hundred and fourteen, and that the same be distinctly marked, in all such places, except where water-courses are described, as the boundary by the said treaty; and for this purpose the President of the United States shall have power to appoint, by and with the advice and consent of the Senate, three commissioners, whose compensation shall not exceed, exclusive of travelling expenses, the rate of eight dollars per day, during the time of actual service of such commissioners, in ascertaining and surveying the said boundary line; they shall have power to employ a skilful surveyor, who shall be allowed five dollars per day, and two chainmen and a marker, who shall each be allowed two dollars per day, in full for their services.

SEC. 2. *And be it further enacted,* That the said commissioners, on completing the ascertainment and survey aforesaid, shall make out three accurate plats of the survey of the said boundary line, one of which they shall transmit to the Secretary of State, one to the Surveyor of the lands south of the State of Tennessee, and the other to the Chiefs of the Creek nation of Indians.

SEC. 3. *And be it further enacted,* That all the public lands of the United States to which the Indian title was extinguished by the aforesaid treaty, shall be, and are hereby, formed into a land district; and for the disposal thereof a land office shall be established, which shall be kept at such convenient place as the President of the United States may direct; and, for the said land office, a register, and receiver of public moneys, shall be appointed, who shall give security in the same manner, in the same sums, and whose compensation, emoluments, duties, and authority, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their office, as are or may be provided by law in relation to the registers and receivers of public moneys, in the several land offices established for the disposal of the other public lands of the United States.

SEC. 4. *And be it further enacted,* That the powers vested by law in the Surveyor of the lands of the United States south of the State of Tennessee, shall extend over all the public lands of the United States to which the Indian title was extinguished by the aforesaid treaty, and the same shall be surveyed in the manner, and for the same compensation, as other public lands in the Mississippi Territory.

SEC. 5. *And be it further enacted,* That the President of the United States is hereby authorized, whenever he shall think it proper, to direct so much of the public lands, lying in the said district, as shall have been surveyed in conformity to this act, to be offered for sale. All such lands shall, with the exception of the section numbered sixteen, which shall be reserved in each township for the support of schools within the same, with exception also of one entire township, to be located by the Secretary of the Treasury, for the use of a seminary of learning, and with the exception of any tracts of land reserved to the Indians by the said treaty, shall be offered to the highest bidder, under the direction of the register and receiver of public moneys of the said land office, on such day or days as shall, by a public proclamation of the President of the United States, be designated for that purpose. The public sales shall remain open for three weeks, and no longer; and the lands shall be sold for a price not less than that which has been, or may be, fixed by law, for the public lands in the Mississippi Territory; and shall, in every other respect, be sold in tracts of the same size, on the same terms and conditions, as have been, or may be, by law provided for the other public lands in the Mississippi Territory. The superintendents of the said public sales shall receive six dollars, each, for each day's attendance on the said sales. All lands, other than those reserved as aforesaid, and excepted as above-mentioned, remaining unsold at the closing of the public sales, and which had been offered at the said sales, may be disposed of at private sale, by the register of the land office, in the same manner, under the same regulations, for the same price, and on the same terms and conditions, as are or may be provided by law for the sale of the other public lands of the United States in the Mississippi Territory. And patents shall be obtained for the lands sold in the said district in the same manner, and on the same terms, as for other public lands sold in the Mississippi Territory.

SEC. 6. *And be it further enacted,* That the President of the United States shall have power to appoint any or all of the aforesaid commissioners during the recess of the Senate.

SEC. 7. *And be it further enacted,* That a sum, not exceeding twenty-five thousand dollars, be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated, for the purpose of carrying this act into effect.

Approved, March 3, 1815.

An Act authorizing the purchase of the Vessels captured on Lake Champlain.

Be it enacted, &c., That the President of the United States be and he is hereby authorized to cause to be purchased the British vessels which were captured on Lake Champlain by the American squadron, on the eleventh day of September, in the year eighteen hundred and fourteen; and the amount of the valuation of such captured vessels, when duly made and returned to the

Public Acts of Congress.

Navy Department, shall be distributed as prize money among the captors or their heirs.

Approved, March 3, 1815.

An Act for the protection of the Commerce of the United States against the Algerine Cruisers.

Whereas the Dey of Algiers, on the coast of Barbary, has commenced a predatory warfare against the United States—

Be it enacted, &c., That it shall be lawful fully to equip, officer, man, and employ, such of the armed vessels of the United States as may be judged requisite by the President of the United States for protecting effectually the commerce and seamen thereof on the Atlantic ocean, the Mediterranean, and adjoining seas.

SEC. 2. *And be it further enacted,* That it shall be lawful for the President of the United States to instruct the commanders of the respective public vessels aforesaid, to subdue, seize, and make prize of, all vessels, goods, and effects, of or belonging to the Dey of Algiers, or to his subjects, and to bring or send the same into port, to be proceeded against and distributed according to law; and, also, to cause to be done all such other acts of precaution or hostility, as the state of war will justify, and may, in his opinion, require.

SEC. 3. *And be it further enacted,* That, on the application of the owners of private armed vessels of the United States, the President of the United States may grant them special commissions, in the form which he shall direct, under the seal of the United States; and such private armed vessels, when so commissioned, shall have the like authority for subduing, seizing, taking, and bringing into port, any Algerine vessel, goods, or effects, as the beforementioned public armed vessels may by law have; and shall therein be subject to the instructions which may be given by the President of the United States for the regulation of their conduct; and their commissions shall be revocable at his pleasure: *Provided,* That before any commission shall be granted as aforesaid, the owner or owners of the vessels for which the same may be requested, and the commander thereof for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of seven thousand dollars, or, if such vessel be provided with more than one hundred and fifty men, in the penal sum of fourteen thousand dollars, with condition for observing the treaties and laws of the United States, and the instructions which may be given as aforesaid, and also for satisfying all damages and injuries which shall be done contrary to the tenor thereof, by such commissioned vessel, and for delivering up the commission when revoked by the President of the United States.

SEC. 4. *And be it further enacted,* That any Algerine vessel, goods, or effects, which may be so captured and brought into port, by any private armed vessel of the United States, duly commissioned as aforesaid, may be adjudged good prize, and thereupon shall accrue to the owners, and

officers, and men, of the capturing vessel, and shall be distributed according to the agreement which shall have been made between them, or, in failure of such agreement, according to the discretion of the court having cognizance of the capture.

Approved, March 3, 1815.

An Act to amend the act, entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," and the act, entitled "An act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on household furniture, and on gold and silver watches."

Be it enacted, &c., That, instead of the first day of February next, prescribed, by the "act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," to the principal assessors to direct and cause the several assistant assessors to inquire after and concerning all lands and other objects taxed, the first day of April next be and the same is hereby prescribed for that purpose. And that the time prescribed, in the thirty-ninth section of the said act, to the Secretary of the Treasury, to notify the collectors of the several collection districts to proceed to the collection of the direct tax, after the current year, shall be some day in the month of May, instead of the month of February.

SEC. 2. *And be it further enacted,* That the thirteenth section of the "act to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying duties on household furniture, and on gold and silver watches," be, and the same is hereby, so amended, as that the several acts required to be performed previously to or during the month of February, in any year, may and shall be performed previously to or during the month of May, in any year, as the case may be, which last month, instead of February, shall be taken as the time referred to therein for taking the lists of property under a general assessment; and it shall be the duty of the principal assessor, in every year, within thirty days after the expiration of the said month of May, to make out and deliver to the collector, the lists as is required to be rendered by the said last mentioned act, to which this act is a supplement, and the like alteration hereby made in the tenth section of the said act, shall and hereby is made in the other sections thereof, so far as any acts depending thereon are thereby required to be done.

SEC. 3. *And be it further enacted,* That the publication to be made by the collectors, to be designated by the Secretary of the Treasury for that purpose, as prescribed and required in the twenty-eighth and twenty-ninth sections of the act to which this act is a supplement, shall, in-

Public Acts of Congress.

stead of being printed for sixty days, in at least one newspaper published in the State, as therein provided, be printed, at least once a week, for eight weeks in succession, in every newspaper within the State in which the laws of the United States are by public authority published; and for which printing the Secretary of the Treasury shall be and he is hereby authorized to pay and allow a price proportionate to the price of the other public printing done in said papers, and no more.

Approved, March 3, 1815.

An Act authorizing the Board of Navy Commissioners to appoint Clerks.

Be it enacted, &c., That the Board of Navy Commissioners be, and they are hereby, authorized to appoint two clerks, to be attached to their office, who shall receive for their services a sum not exceeding one thousand dollars each per annum.

SEC. 2. *And be it further enacted,* That for this purpose the sum of two thousand dollars is hereby appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, March 3, 1815.

An Act further to provide for the collection of duties on Imports and Tonnage.

Be it enacted, &c., That it shall be lawful for any collector, naval officer, surveyor, or inspector, of the customs, as well in an adjoining district as that to which he belongs, to enter on board, search, and examine, any ship, vessel, boat, or raft, and if he shall find on board the same any goods, wares, or merchandise, which he shall have probable cause to believe are subject to duty, the payment of which is intended to be evaded, or have been imported into the United States in any manner contrary to law, it shall be his duty to seize and secure the same for trial.

SEC. 2. *And be it further enacted,* That it shall be lawful for any collector, naval officer, surveyor, or inspector of the customs, as well in any adjoining district as that to which he belongs, to stop, search, and examine, any carriage or vehicle, of any kind whatsoever, and to stop any person travelling on foot, or beast of burden, on which he shall suspect there are goods, wares, or merchandise, which are subject to duty, or which shall have been introduced into the United States in any manner contrary to law; and if such officer shall find any goods, wares, or merchandise, on any such carriage, vehicle, person travelling on foot, or beast of burden, which he shall have probable cause to believe are subject to duty, or have been unlawfully introduced into the United States, he shall seize and secure the same for trial. And if any of the said officers of the customs shall suspect that any goods, wares, or merchandise, which are subject to duty, or shall have been introduced into the United States contrary to law, are concealed in any particular dwelling-house, store, or other building, he shall,

upon proper application, on oath, to any judge or justice of the peace, be entitled to a warrant, directed to such officer, who is hereby authorized to serve the same, to enter such house, store, or other building, in the day time only, and there to search and examine whether there are any goods, wares, or merchandise, which are subject to duty, or have been unlawfully imported; and if, on such search or examination, any such goods, wares, or merchandise, shall be found, which there shall be probable cause for the officer making such search or examination to believe are subject to duty, or have been unlawfully introduced into the United States, he shall seize and secure the same for trial: *Provided always,* That the necessity of a search warrant, arising under this act, shall, in no case, be considered as applicable to any carriage, wagon, cart, sleigh, vessel, boat, or other vehicle, of whatever form or construction, employed as a medium of transportation, or to packages on any animal or animals, or carried by man on foot.

SEC. 3. *And be it further enacted,* That every collector of the customs shall have authority, with the approbation of the principal officer of the Treasury Department, to employ, within his district, such number of proper persons, as inspectors of the customs, as he shall judge necessary, who are hereby declared to be officers of the customs; and the said inspectors, before they enter on the duties of their offices, shall take and subscribe, before the collectors appointing them, or before some magistrate within their respective districts, authorized by law to administer oaths, the following oath or affirmation, to wit: "I, ———, having been appointed an inspector of the customs, within and for the district of ———, do solemnly, sincerely, and truly, swear, (or affirm, as the case may be,) that I will diligently and faithfully execute the duties of the said office of inspector, and will use my best endeavors to prevent and detect frauds and violations against the laws of the United States. I further swear (or affirm) that I will support the Constitution of the United States."

SEC. 4. *And be it further enacted,* That any collector, naval officer, surveyor, or inspector, when proceeding to make any search or seizure, authorized by this act, shall be, and he is hereby, empowered to command any person who shall be within ten miles of the place where such search or seizure shall be made, to aid and assist such officer in the discharge of his duty therein; and if any person, being so commanded, shall neglect or refuse to aid and assist such officer in making such search or seizure, the person so neglecting or refusing shall forfeit and pay a sum not exceeding two hundred dollars, and not less than fifty dollars. And such officer may also demand, in cases of resistance, the assistance of the marshal of the district or any of his deputies, who shall call upon the posse of the district, if necessary, in his or their judgment, to render effectual the execution of this act; and all citizens or inhabitants of the district, above the age of eighteen years, and able to travel, who refuse or neglect,

Public Acts of Congress.

upon proper notice from the marshal, or any of his deputies, to join such posse, shall be considered guilty of a misdemeanor, and be liable to be fined in any sum not exceeding three hundred dollars, and be imprisoned for any term not exceeding three months.

SEC. 5. *And be it further enacted*, That the forfeitures and penalties mentioned in this act, shall be sued for, prosecuted, and recovered, or inflicted, by action of debt, or by information or indictment, in any court competent to take cognizance thereof and try the same; and that all forfeitures and penalties, so recovered by virtue of this act, shall, after deducting all proper costs and charges, be disposed of as follows: one moiety shall be for the use of the United States, and paid into the Treasury thereof by the collector recovering the same; the other moiety shall be divided between, and paid in equal proportions to, the collector and naval officer of the district and surveyor of the port, wherein the same shall have been incurred, to such of the said officers as there may be in the said district: and in districts where only one of the aforesaid offices shall have been established, the said moiety shall be given to such officer: *Provided*, That where the seizure shall have been made by any inspector or inspectors out of the presence of the collector, naval officer, or surveyor, such inspector or inspectors shall be entitled, in addition to such other compensation as may be allowed them, to twenty-five per cent. on the moiety herein given to the collector, naval officer, and surveyor, as aforesaid, or to either of them: *And provided also*, That in all cases where such forfeitures and penalties shall be recovered, in pursuance of information given to such collector, naval officer, or surveyor, by any private informer, the one-half of such moiety shall be given to such informer, and the remainder thereof shall be disposed of between the collector, naval officer, and surveyor, in manner aforesaid, and the same allowance of twenty-five per cent. to inspectors, when the seizure is made by them as aforesaid: *And provided likewise*, That whenever the value of the property seized, condemned, and sold, under this act, shall be less than two hundred and fifty dollars, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the costs of prosecution: *And it is further provided*, That if any officer or other person, entitled to a part or share of any of the penalties or forfeitures incurred in virtue of this act, shall be necessary as a witness on the trial for such penalty or forfeiture, such officer or other person may be a witness upon the said trial, but in such case he shall not receive or be entitled to any part or share of the said penalty or forfeiture; and the part or share, to which he otherwise would have been entitled, shall revert to the United States.

SEC. 6. *And be it further enacted*, That if any suit or prosecution be commenced in any State court against any collector, naval officer, surveyor, inspector, or any other officer civil or military, or any other person aiding or assisting agreeable to the provisions of this act, or under

color thereof, for anything done, or omitted to be done, as an officer of the customs, or for anything done by virtue of this act, or under color thereof, and the defendant shall, at the time of entering his appearance in such court, file a petition for the removal of the cause for trial at the next circuit court of the United States, to be holden in the district where the suit is pending, and offer good and sufficient surety for his entering in such court, on the first day of its session, copies of said process against him, and also for his there appearing at the court and entering special bail in the cause, if special bail was originally required therein, it shall then be the duty of the State court to accept the surety, and proceed no farther in the cause, and the bail that shall have been originally taken shall be discharged; and such copies being entered as aforesaid in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process, whatever may be the amount of the sum in dispute or damages claimed, or whatever the citizenship of the parties, any former law to the contrary notwithstanding; and any attachment of the goods or estate of the defendant by the original process, shall hold the goods or estate so attached to answer the final judgment, in the same manner as by the laws of such State they would have been holden to answer the final judgment had it been rendered by the court in which the suit was commenced. And it shall be lawful, in any action or prosecution which may be now pending, or hereafter commenced, before any State court whatever, for anything done, or omitted to be done, by the defendant, as an inspector or other officer of the customs, after final judgment, for either party to remove and transfer by appeal, such decision, during the session or term of said court at which the same shall have taken place, from such court to the next circuit court of the United States, to be held in the district in which such appeal shall be taken in manner aforesaid; and it shall be the duty of the person taking such appeal, to produce and enter in the said circuit court attested copies of the process, proceedings, and judgment in such cause; and it shall also be competent for either party, within six months of the rendition of a judgment in any such cause, by writ of error, or other process, to the circuit court of the United States of that district in which such judgment shall have been rendered; and the said court shall thereupon proceed to try and determine the facts and the law in such action, in the same manner as if the same had been there originally commenced, the judgment in such case notwithstanding. And any bail which may have been taken, or property attached, shall be holden on the final judgment of the said circuit court in such action, in the same manner as if no such removal and transfer had been made as aforesaid. And the State court from which any such action may be removed and transferred as aforesaid, upon the party's giving good and sufficient security for the prosecution thereof, shall allow the same to be removed and transferred, and proceed no farther

Public Acts of Congress.

in the case: *Provided, however*, That if the party aforesaid shall fail duly to enter the removal and transfer as aforesaid in the circuit court, agreeable to this act, the State court, by which judgment shall have been rendered, and from which the transfer and removal shall have been made as aforesaid, shall be authorized, on motion for that purpose, to issue execution, and to carry into effect any such judgment, the same as if no such removal and transfer had been made: *Provided, nevertheless*, That this act shall not be construed to apply to any prosecution for an offence involving corporal punishment. *And provided also*, That no such appeal shall be allowed in any criminal action or prosecution, where final judgment shall have been rendered in favor of the defendant or respondent, by the State court; and in any action or prosecution against any person as aforesaid, it shall be lawful for such person to plead the general issue, and give this act and any special matter in evidence. And if in any suit the plaintiff is nonsuit, or judgment pass against him, the defendant shall recover double costs.

SEC. 7. *And be it further enacted*, That in any suit or prosecution against any person, for any act or thing done as an officer of the customs, or any person aiding or assisting such officer therein, and judgment shall be given against the defendant, or respondent, if it shall appear to the court, before which such suit or prosecution shall be tried, that there was probable cause for doing such act or thing, such court shall order a proper certificate or entry to be made thereof, and in such case the defendant or respondent shall not be liable for costs, nor shall he be liable to execution, or to any action for damages, or to any other mode of prosecution, for the act done by him as aforesaid: *Provided*, That such property or articles as may be held in custody by the defendant, if any, be, after judgment, forthwith returned to the claimant or claimants, his, her, or their agent or agents.

SEC. 8. *And be it further enacted*, That this act shall continue in force for one year, and no longer; *Provided*, That all fines, penalties, and forfeitures, which shall have been incurred before the expiration of the act, shall be recovered and distributed, and may be mitigated or remitted, in the same manner as if it had not expired.

Approved, March 3, 1815.

An Act supplementary to an act, entitled "An act for the better organization of the Courts of the United States, within the State of New York."

Be it enacted, &c., That the President of the United States, by and with the advice and consent of the Senate, be, and hereby is authorized to appoint one person as marshal, and one as district attorney, for the northern judicial district of the United States within the State of New York, created by the act to which this act is a supplement, bearing date the ninth day of April, in the year one thousand eight hundred and fourteen; and that the terms of appointment and service, together with the duties, responsibilities, and emoluments of the said marshal and district at-

torney, respectively, for the district aforesaid, be, in all respects, the same, within their said district, as the terms of appointment and service, the duties, responsibilities, and emoluments of all other marshals and district attorneys, respectively, within their respective districts in the United States of America.

Approved, March 3, 1815.

An Act making additional appropriation for the service of the year one thousand eight hundred and fifteen.

Be it enacted, &c., That, for defraying the expense of preparing certificates of registry for ships and vessels, and for furnishing lists of crews, the sum of five thousand dollars be, and the same are hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved, March 3, 1815.

An Act further supplementary to an act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory."

Be it enacted, &c., That the commissioners appointed by virtue of the act, entitled "An act supplementary to an act, entitled 'An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory,'" shall be, and they are hereby, authorized to decide, in a summary way, upon the quantity or boundary of land contained in any grant or deed exhibited before them, by any of the claimants of lands released to the United States, agreeably to the said act, according to such maps, surveys, or other evidence, as now exist, or which they may be now able to procure, without requiring or permitting any other survey to be made.

SEC. 2. *And be it further enacted*, That the said commissioners shall be, and they are hereby, authorized to allow and receive, in all cases, except those where femmes couvertes are parties, as sufficient legal releases, assignments, and powers, required by said act, and the supplement thereto, and as lawful conveyances, all such instruments as may be executed by the party, or his, her, or their attorney or attorneys, lawfully empowered, and either acknowledged by the party making the same, before some judge, or justice of the peace, notary public, mayor, recorder, or alderman, of a corporation, or master in chancery, or one of the said commissioners, or proved, by other evidence, to the satisfaction of the commissioners, to have been duly executed by the party.

SEC. 3. *And be it further enacted*, That the said commissioners shall be, and they are hereby, authorized, in all cases where the releases, assignments, and powers, required by the act aforesaid, already presented, or which may be presented on or before the third Monday in March instant, or powers of attorney by which said releases shall have been, or shall be, made, shall be, in the judgment of the commissioners aforesaid, defectively drawn or executed, to allow a further time, not exceeding two months, from and after the said third Monday in March instant, to perfect the same.

Public Acts of Congress.

SEC. 4. *And be it further enacted*, That the said commissioners shall be, and they are hereby, authorized to admit and finally settle all such claims as have been, or may be, within the time limited, duly released, assigned, and transferred, to the United States, anything in the said original act, or any supplement thereto, to the contrary notwithstanding; and to administer oaths, or take affirmations, and to compel the attendance of witnesses, in all cases where necessary.

SEC. 5. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized, from time to time, to cause to be issued such certificates of stock as are specified in the said original act, and supplement thereto, to such claimant or claimants, whose claim may be decided on and reported by the commissioners, on receiving such report, in relation to such claim, from the said commissioners.

SEC. 6. *And be it further enacted*, That the releases, assignments, and powers, required by the act aforesaid, and the supplement thereto, now received, and which may be hereafter received, shall be recorded by the secretary of the said commissioners, and the said records returned, with all other papers and documents in relation to said claims, when the business of the said commissioners shall be closed, to the office of the Secretary of State; and that the said secretary shall be paid by the Secretary of the Treasury of the United States, out of any money not otherwise appropriated, at the rate of twelve and a half cents for each and every hundred words contained in each instrument so recorded.

SEC. 7. *And be it further enacted*, That on the dissolution of the said board of commissioners, and the performance of the duties assigned them, the President of the United States shall be, and he is hereby, authorized, if in his judgment he shall consider the said commissioners entitled to any further additional compensation for their services than is now provided for, to cause them to be paid such other and further sums, out of any money in the Treasury not otherwise appropriated, as he shall think just and reasonable: *Provided*, That such additional compensation shall not exceed fifty cents to each commissioner, for every deed or evidence of title which shall be submitted to their examination and decision, in pursuance of the provisions of the said original act, and the supplements thereto.

Approved, March 3, 1815.

An Act regulating and defining the duties of the United States' Judges for the Territory of Illinois.

Be it enacted, &c., That the Illinois Territory shall be divided into three circuits, in the manner, and for the purposes, hereinafter mentioned.

SEC. 2. *And be it further enacted*, That the counties of Madison and St. Clair shall compose the first circuit, the counties of Randolph and Johnson shall compose the second circuit, and the counties of Gallatin and Edwards shall compose the third circuit.

SEC. 3. *And be it further enacted*, That the

judges heretofore appointed, or which may hereafter be appointed, for the Illinois Territory, under the authority of the Government of the United States, shall, previous to the time prescribed by this act for holding the first court in the said Territory, proceed to allot amongst themselves the circuit in which they shall respectively preside, which allotment shall continue in force for and during the term of one year thereafter; and such allotment shall be annually renewed; and which allotment, in writing, signed by the said judges, or a majority of them, shall be entered of record in the said courts, respectively, by the clerks thereof, at the commencement of the term next after such allotment shall have been made.

SEC. 4. *And be it further enacted*, That it shall be the duty of the said judges, respectively, to hold two terms annually in each county in their respective circuits, in conformity with the preceding sections of this act, which shall commence at the times hereinafter mentioned, that is to say: in the county of Madison, on the last Mondays in May and September; in the county of St. Clair, on the second Mondays in June and October; in the county of Randolph, on the third Mondays in June and October; in the county of Johnson, on the fourth Mondays in June and October; in the county of Gallatin, on the first Mondays in July and November; and, in the county of Edwards, on the second Mondays in July and November, in each year; and the said courts shall be styled Circuit Courts for the counties in which such courts shall be held, respectively.

SEC. 5. *And be it further enacted*, That the said courts shall be holden at the respective court-houses of said counties; and the said judges, respectively, shall, in their respective circuits, have jurisdiction over all causes, matters, or things, at common law or in chancery, arising in each of said counties, except in cases where the debt or demand shall be under twenty dollars, in which cases they shall have no jurisdiction.

SEC. 6. *And be it further enacted*, That the said judges shall be conservators of the peace, and the said circuit courts, in term time, or the judges thereof in vacation, shall have power to award injunctions, writs of ne exeat, habeas corpus, and all other writs and process that may be necessary to the execution of the power with which they are or may be vested.

SEC. 7. *And be it further enacted*, That the said circuit courts, respectively, shall have power to hear and determine all treasons, felonies, and other crimes and misdemeanors, that may be committed within the respective counties aforesaid, and that may be brought before them, respectively, by any rules or regulations prescribed by law.

SEC. 8. *And be it further enacted*, That all suits shall be tried in the counties in which they originate, unless in cases that are or may be specially provided for by law.

SEC. 9. *And be it further enacted*, That if the circuit judge shall not attend on the first day of any court, or if a quorum of the court hereinafter mentioned shall not attend in like manner, such

Public Acts of Congress.

court should stand adjourned from day to day until a court shall be made, if that shall happen before four o'clock in the afternoon of the third day.

SEC. 10. *And be it further enacted*, That if either a circuit court, or the court hereinafter mentioned, shall not sit in any term, or shall not continue to sit the whole term, or before the end of the term shall not have heard and determined all matters ready for its decision, all such matters and things depending in court, and undetermined, shall stand continued until the next succeeding term.

SEC. 11. *And be it further enacted*, That if, from any cause, either of the said courts shall not sit on any day in a term after it shall have been opened, there shall be no discontinuance, but so soon as the cause is removed the court shall proceed to business until the end of the term, if the business depending before it be not sooner despatched.

SEC. 12. *And be it further enacted*, That the judicial term of the said circuit courts shall consist of six days in each county, during which time the court shall sit, unless the business before it shall be sooner determined.

SEC. 13. *And be it further enacted*, That a clerk shall be appointed by the said circuit courts, respectively, in each county, whose duty it shall be to issue process in all cases originating in his county, to keep and preserve the records of all the proceedings of the court therein, and to do and perform in the county all the duties which may be enjoined on him by law.

SEC. 14. *And be it further enacted*, That, in the cases that were, on the thirty-first day of December, in the year one thousand eight hundred and fourteen, depending in the courts of common pleas in the respective counties, the parties, or their attorneys, shall be permitted to take all such measures for bringing them to trial that might have been taken if no change had taken place; and the said circuit courts, respectively, shall, as far as possible, proceed to the trial thereof in the same manner that the said courts of common pleas might legally have done, had no other change than a mere alteration of the terms taken place.

SEC. 15. *And be it further enacted*, That the said judges, appointed as aforesaid, or a majority of them, shall constitute a court, to be styled the Court of Appeals for Illinois Territory, and shall hold two sessions annually at the town of Kaskaskia, which shall commence on the first Mondays in March and August, in every year, and continue in session until the business before them shall be completed; which court shall have appellate jurisdiction only, and to which appeals shall be allowed, and from which writs of error, according to the principles of the common law, and conformably to the laws and usages of the said Territory, may be prosecuted for the reversal of the judgments and decrees, as well of the said circuit courts, as of any inferior courts which now are, or hereafter may be, established by the laws of the said Territory.

SEC. 16. *And be it further enacted*, That a clerk
13th CON. 3d SESS.—62

shall be appointed by the said court of appeals, whose duty it shall be to issue process in all cases brought before the said court where process ought to issue, and to keep and preserve the records of all the proceedings of the said court therein, and to do and perform all the duties as may be enjoined on him by law.

SEC. 17. *And be it further enacted*, That in all cases that were, on the said thirty-first day of December, eighteen hundred and fourteen, depending in the General Court of said Territory, the parties or their attorneys shall be permitted to take all such measures for bringing them to a final decision that might have been taken if no change had taken place, and the said court of appeals shall, as far as practicable, proceed to the final determination thereof, in the same manner that the said General Court might legally have done, had no other change than a mere alteration of the terms taken place.

SEC. 18. *And be it further enacted*, That appeals may be prayed, and writs of error taken out, upon matters of law only, in all cases wherein they are now allowed by law, to the said court of appeals, and all writs of error shall be issued by the clerk of the said court of appeals, and made returnable to the said court of Kaskaskia; but no question upon appeal or writ of error shall be decided without the concurrence of two judges at least.

SEC. 19. *And be it further enacted*, That the Legislature of the said Territory shall have power to change the times of holding any of the courts required to be holden by this act: *Provided, however*, That the said Legislature shall not have authority to increase the number of sessions to be held by the said courts respectively, in conformity with the provisions of the preceding sections of this act.

SEC. 20. *And be it further enacted*, That no judge or justice, appointed under the authority of the government of the said Territory, shall be associated with the aforesaid United States judges when sitting as circuit court judges as aforesaid. This act to commence and be in force from and after the first day of April next.

Approved, March 3, 1815.

An Act to continue in force, for a limited time, the act entitled "An act for establishing trading houses with the Indian tribes."

Be it enacted, &c., That the act, entitled "An act for establishing trading houses with the Indian tribes," approved on the second day of March, eighteen hundred and eleven, shall be, and the same is hereby, continued in force until the fourth day of March, eighteen hundred and seventeen, and no longer.

Approved, March 3, 1815.

An Act to fix the compensations, and increase the responsibility, of the collectors of the direct tax and internal duties; and for other purposes connected with the collection thereof.

Be it enacted, &c., That the collectors of the

Public Acts of Congress.

direct tax and internal duties shall be entitled to receive the same commissions which are now allowed by law, until the first day of July, one thousand eight hundred and fifteen: *Provided*, That the commissions accruing to any one collector, upon the moneys collected and paid into the Treasury, between the thirty-first of December, one thousand eight hundred and fourteen, and the first day of July, one thousand eight hundred and fifteen, shall not exceed the sum of three thousand dollars; and the said collectors shall, from and after the said first day of July, be allowed, in lieu of the commission now allowed by law, four and one-half per centum upon all moneys accounted for and paid into the Treasury, from the first July, one thousand eight hundred and fifteen, until the first of January, one thousand eight hundred and sixteen, not exceeding fifty thousand dollars; and one per centum upon all sums over and above that amount.

SEC. 2. *And be it further enacted*, That each collector, whose commission in any one calendar year shall not exceed one thousand dollars, shall be allowed, at the end of the year, in addition to such commission, the sum of two hundred dollars.

SEC. 3. *And be it further enacted*, That the collectors heretofore, or hereafter, designated by the Secretary of the Treasury, to receive the lists of property lying within collection districts not owned, occupied, or superintended, by some person residing therein, shall, respectively, in addition to their other commissions and compensations, be allowed a commission of five per centum on the moneys received for taxes thereon accounted for and paid by them into the Treasury.

SEC. 4. *And be it further enacted*, That it shall be lawful for the President of the United States to apportion and distribute, annually, a sum not exceeding, in the whole, twenty-five thousand dollars, or to any one collector five hundred dollars, among such collectors, as, for the execution of the public service, it shall appear to him necessary so to compensate, in addition to the other emoluments to which they are entitled.

SEC. 5. *And be it further enacted*, That in case a collector shall die, resign, or be removed from office, he shall be entitled to a commission equal to the average rate of that allowed to the collector of the same district the preceding calendar year, and no more; and his successor shall, for the residue of the year, be allowed a commission equal to the sum that may remain, after deducting the sum allowed to his predecessor, from the whole amount of commission that would have been allowed had there been no such death, resignation, or removal, and no more: *Provided*, That either of the said collectors shall be entitled to the benefits of the provision contained in the fourth section of this act.

SEC. 6. *And be it further enacted* That it shall be the duty of each of the collectors, within ninety days from the end of every calendar year, to draw out a statement, exhibiting, in alphabetical order, the names of persons who may have paid, during the preceding calendar year, to him, or his deputies, any one or more of the internal duties, ex-

cept those on household furniture and on stamps with the aggregate amount so paid, annexed to each name, and forthwith to cause one hundred copies of the same to be printed, to transmit one copy thereof to the commissioner of the revenue, to lodge one copy with the principal assessor, and one copy with the clerk of each town, county, and district, within his collection district, to post up one copy at each of the court-houses in his district, to post up the remaining copies at the other most public places in his district, the reasonable expenses incurred in the preparing, printing, and posting up, of which shall be allowed; and any collector who shall purposely or negligently fail to discharge this duty, shall be deemed guilty of a misdemeanor in office, and, on conviction thereof, shall be fined a sum not less than five hundred dollars, nor more than ten thousand dollars.

SEC. 7. *And be it further enacted*, That all letters to and from the said collectors, relative to their official duties, shall be conveyed free of postage. And any collector who shall put his frank upon any other letter, shall, for every such act, forfeit and pay the sum of one hundred dollars, and the whole of which shall be for the use of the person who shall give information thereof.

SEC. 8. *And be it further enacted*, That it shall be the duty of the collectors to keep their offices open for the transaction of business every day, except on established holidays, between the hours of nine in the morning and three in the afternoon, and to attend therein themselves, or by deputy; which said offices shall, after the present year, be kept at such places, in the respective districts, as may be designated by the commissioner of the revenue, in all cases in which such designation shall be thought expedient.

SEC. 9. *And be it further enacted*, That the amount of all taxes or duties collected by any deputy collector, until paid over to the collector, shall, and hereby is declared to, be a lien upon the lands and real estate of such deputy collector, and of his sureties, if he shall have given bond, from the time when a suit shall be instituted for recovering the same; and for want of goods and chattels, or other personal effects of such deputy collector, or his sureties, to satisfy any judgment which shall or may be recovered against them, respectively, such lands and real estates may be sold at public auction, after being advertised for at least three weeks, in not less than three public places within the collection district, and in one newspaper printed in the county, if any there be, at least six weeks prior to the time of sale; and for lands or real estate sold in pursuance of the authority aforesaid, the conveyances of the marshals, or their deputies, executed in due form of law, shall give a valid title against all persons claiming under such deputy collector, or his sureties, respectively. And in every case it shall and may be lawful for a principal collector to maintain and prosecute his action against a deputy collector and his sureties, or any of them, if a bond with sureties shall have been given, in the circuit court of the United States, for the recovery of

Public Acts of Congress.

all taxes collected by said deputy, and not paid over according to his engagement, or for the penalty of the bond which may have been given to secure the payment thereof: *Provided always*, That all moneys recovered in such suits shall be for the use of the United States, until the whole amount of the taxes collected and received by the deputy collector shall be otherwise paid to the United States by the deputy collector, or by the principal collector instituting such suits.

SEC. 10. *And be it further enacted*, That if any collector, or his deputy, shall have cause to suspect a concealment of any goods, wares, or merchandise, in respect to which the respective provisions of the acts imposing an internal duty thereon have not been complied with, in any particular dwelling-house, store, building, or place, (other than the manufactory in which the same were made,) they, or either of them, shall, upon proper application, on oath, to any justice of the peace, be entitled to a warrant to enter such house, store, or place, (in the day time only,) and there to search for such goods; and, if any shall be found, to seize and secure the same for trial.

SEC. 11. *And be it further enacted*, That all goods, wares, or merchandise, or other objects, which shall be seized by virtue of this act, or of any act relative to internal duties, shall be put into, and remain in, the custody of the collector, or such other person as he shall appoint for that purpose, until such proceedings shall be had as are legally required, to ascertain whether the same have been forfeited or not; and if it shall be adjudged that they are not forfeited, they shall be forthwith restored to the owner or claimant thereof; and if any person shall conceal or buy any such goods, wares, or merchandise, or other object, knowing them to be liable to seizure and forfeiture, such person shall, on conviction thereof, forfeit and pay a sum double the value of the goods, wares, or merchandise, or other objects so concealed and purchased, one moiety of which shall be for the use of the informer, and the other for the use of the United States.

SEC. 12. *And be it further enacted*, That it shall be the duty of the several collectors to make seizure of, and secure, any goods, wares, or merchandise, or other objects liable to seizure by virtue of this or any other act relating to the internal duties, as well without as within their respective districts.

SEC. 13. *And be it further enacted*, That if any officer or other person executing or aiding or assisting in the seizure of goods, wares, or merchandise, or other objects as aforesaid, shall be sued or molested for anything done in virtue of the powers given by this act, or of any other act, or by virtue of a warrant granted by any judge or justice, pursuant to law, such officer or other person may plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff is nonsuited, or judgment pass against him, the defendant shall recover double costs; and in actions, suits, or information, to be brought where any seizure shall be made pursuant to this act, or any other act relative to inter-

nal duties, if the property be claimed by any person, in every such case the onus probandi shall be upon such claimant: but the onus probandi shall lie on the claimant only when probable cause is shown for such prosecution, to be judged of by the court before whom the prosecution is had.

SEC. 14. *And be it further enacted*, That all penalties accruing by any breach of this act, or of any act relative to internal duties, shall be sued for and recovered, with costs of suit, in the name of the United States of America, or of the collector, in any court competent to try the same, and the trial of any fact which may be put in issue, shall be within the judicial district in which any such penalty shall have accrued, or seizure been made; and the collector within whose district the seizure shall be made, or forfeiture incurred, is hereby enjoined to cause suits for the same to be commenced without delay, and prosecuted to effect; and is, moreover, authorized to receive from the court before whom such trial is had, or from the proper officer thereof, the sum or sums so recovered, after deducting all proper charges, to be allowed by the said court, and on receipt thereof, the said collector shall pay and distribute the same, without delay, according to law, and transmit, quarter yearly, to the commissioner of the revenue, an account of all moneys by him received for fines, penalties, and forfeitures, during such quarter. And all goods, wares, and merchandise, or other objects, which shall become forfeited in virtue of this act, or of any act relative to internal duties, shall be seized and prosecuted for as aforesaid, before the proper court, which court shall cause fourteen days' notice to be given of such seizure, setting forth the articles seized, with the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, if any such there be, and also by posting up the same in the most public manner, for the space of fourteen days, at or near the place of trial, for which advertisement a sum not exceeding ten dollars shall be paid. And if no person shall appear and claim such articles, and give bond to defend the prosecution thereof, and to respond the costs, in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law; and upon the prayer of any claimant, that any articles, so seized and prosecuted, or any part thereof, should be delivered to him, it shall be lawful for the court to appoint three proper persons to appraise such articles, who shall be sworn for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties, to be approved by the court, execute a bond in the usual form, to the United States, for the payment of a sum equal to the sum at which the articles, so prayed to be delivered, are appraised, which bond shall be lodged with the proper officer of the court, the said court shall order the said articles to be delivered to the said claimant; and if judg-

Public Acts of Congress.

ment shall pass in favor of the claimant, the said bond shall be cancelled; but if judgment shall pass against the claimant, as to the whole, or any part, of such articles, and the claimant shall not, within twenty days thereafter, pay into the court, or to the proper officer thereof, the amount of the appraised value of such articles so condemned, with the costs, judgment shall and may be granted upon the bond without further delay. And where any prosecution shall be commenced on account of the seizure of any such goods, wares, and merchandise, or other objects, and judgment shall be given for the claimant, if it shall appear to the court before whom such prosecution shall be tried, that there was reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit, or judgment, on account of such seizure and prosecution: *Provided*, That the said goods, wares, and merchandise, or other objects, be, after judgment, forthwith returned to such claimant, or his agent: *And provided*, That no action or prosecution shall be maintained in any case under this act, or any act relative to internal duties, unless the same shall have been commenced within one year after the penalty or forfeiture was incurred, or within the time in such act prescribed, as the case may be.

SEC. 15. *And be it further enacted*, That all goods, wares, or merchandise, or other objects, which shall be condemned by virtue of this act, or of any other act relative to internal duties, and for which bond shall have been given by the claimant, agreeably to the provisions for that purpose in the foregoing section, shall be sold by the marshal, or other proper officer of the court before whom condemnation shall be had, to the highest bidder, at public auction, by order of such court, and at such place as the said court may appoint, giving at least fifteen days' notice, (except in case of perishable goods,) in one or more of the public newspapers of the place where such sale shall be; or, if no paper is published in such place, in one or more of the papers published in the nearest place thereto; for which advertising a sum not exceeding five dollars shall be paid. And the amount of such sales, deducting all proper charges, shall be paid within ten days after such sale, by the person selling the same, to the clerk, or other proper officer, of the court, directing such sale, to be by him, after deducting the charges allowed by the court, paid to the collector of the district in which such seizure or forfeiture has taken place, as hereinbefore directed.

SEC. 16. *And be it further enacted*, That the foregoing provisions of this act shall be applicable, in all respects, as well to all acts that may hereafter be passed, relative to internal duties, as to those heretofore passed and now in force.

SEC. 17. *And be it further enacted*, That any collector or his deputy, who shall directly or indirectly take or receive any bribe, reward, or recompense, or shall connive at any false entry, application, report, account, or statement, required

to be made or rendered by any act relative to internal duties, and shall be convicted thereof, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and any person giving or offering any bribe, reward, or recompense, for any such deception, collusion, or fraud, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars, for each offence; one moiety whereof shall be to the use of the informer, and the other moiety for the use of the United States.

SEC. 18. *And be it further enacted*, That on all bonds given for internal duties an interest shall be paid, at the rate of six per centum per annum, from the time when the said bonds became due until the payment thereof.

SEC. 19. *And be it further enacted*, That any person, to whom a license for a still, or boiler, or other vessel used in the distillation of spirituous liquors, may have been, or may hereafter be, granted, who shall so alter the same as to increase its capacity, on application in writing to the collector who issued the said license, stating such increase of capacity, and on paying or securing, previous to using the same, the duty arising thereon for the unexpired period of the license, at the rate of duty prescribed for such term for which a license may be granted as is next below such period, shall be authorized to employ the still, boiler, or other vessel, so altered, on adducing the said license, and obtaining an endorsement thereon, under the hand of the said collector, which he is hereby required to make, specifying such increase of capacity, and that the duty thereon has been paid or secured.

SEC. 20. *And be it further enacted*, That any person who shall, after the thirtieth day of June next, erect, or cause to be erected, any still, or boiler, or other vessel, used or intended to be used in the distillation of spirituous liquors, or who shall so use any still, or boiler, or other vessel, in any part of the United States beyond the then existing boundary line established by law between the United States and the Indian tribes, or who shall be the owner, agent, or superintendent thereof, shall forfeit and pay the sum of five thousand dollars, together with the said still, boiler, or other vessel, and the spirits distilled therein: one moiety of which shall be for the use of the informer, and the other for the use of the United States. And for any violations hereof, the same course may and shall be pursued that is prescribed by the act passed the thirtieth of March, one thousand eight hundred and two, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," for violations thereof; and the courts specified therein shall have like jurisdiction. And the same authority that is given by the said act to apprehend and remove persons found in violation thereof, shall apply and extend to the said stills, boilers, or other vessels, and the spirits distilled therein, which may be seized and removed in like manner. And all spirits which shall have been, or which hereafter shall be so

Resolutions.

distilled, beyond the said boundary line, which shall be brought into the limits of a collection district, may and shall be seized and forfeited, and the person so introducing the same shall, moreover, forfeit and pay one thousand dollars; one moiety of which shall be to the use of the informer, and the other for the use of the United States: *Provided, nevertheless*, That no person who shall have removed his still out of one collection district into another, shall be liable to take out another license during the period of any existing license obtained for the same.

SEC. 21. *And be it further enacted*, That it shall be the duty of the collectors of the direct tax and internal duties, to prosecute for breaches of the provisions contained in the two preceding sections.

SEC. 22. *And be it further enacted*, That nothing contained in the act or acts imposing a duty on sales at auction of goods, wares, and merchandise, shall be construed to apply to the sale of any goods or chattels other than merchandise.

Approved, March 3, 1815.

An Act to vest more effectually in the State Courts and in the District Courts of the United States jurisdiction in the cases therein mentioned.

Be it enacted, &c., That the respective State or county courts, within or next adjoining a collection district, established by any act of Congress now in being, or hereafter to be passed, for the collection of any direct tax or internal duties of the United States, shall be, and are hereby, authorized to take cognizance of all complaints, suits, and prosecutions, for taxes, duties, fines, penalties, and forfeitures, arising and payable under any of the acts passed, or to be passed, as aforesaid, or where bonds are given under the said acts; and the district attorneys of the United States are hereby authorized and directed to appoint, by warrant, an attorney, as their substitute or deputy, in all cases where necessary to sue or prosecute for the United States, in any of the said State or county courts, within the sphere of whose jurisdiction the said district attorneys do not themselves reside or practice; and the said substitute or deputy shall be sworn or affirmed to the faithful execution of his duty.

SEC. 2. *And be it further enacted*, That the jurisdiction conferred by the foregoing section shall be considered as attaching, in the cases therein specified without regard to the amount or sum in controversy, and that it shall be concurrent with the jurisdiction of the district courts of the United States; but may, nevertheless, be exercised in cases where the fine, penalty, or forfeiture, may have been incurred, or the cause of action or complaint have arisen, at a less, as well as a greater distance than fifty miles from the nearest place by law established for the holding of a district court of the United States. But in all suits or prosecutions instituted by or on behalf of the United States in any State or county court, the process, proceedings, judgment, and execution therein shall not be delayed, suspended, or in any

way barred or defeated, by reason of any law of any State authorizing or directing a stay or suspension of process, proceedings, judgment, or execution: *Provided*, That final decrees and judgments in civil actions, passed or rendered in any State court by virtue hereof, may be re-examined in the circuit court of the United States, in the same manner, and under the same limitations, as are prescribed by the twenty-second section of the act to establish the judicial courts of the United States, passed the twenty-fourth of September, seventeen hundred and eighty-nine.

SEC. 3. *And be it further enacted*, That the state or county courts aforesaid, and the principal or presiding judge of any such court, shall be, and are hereby, authorized to exercise all and every power, in cases cognizable before them by virtue of this act, for the purpose of obtaining a mitigation or remission of any fine, penalty, or forfeiture, which may be exercised by the judges of the district courts of the United States, in cases brought before them by virtue of the law of the United States, passed on the third of March, one thousand seven hundred and ninety-seven, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned;" and in the exercise of the authority by this section given to the said State or county courts, or the principal or presiding judge as aforesaid, they shall be governed, in every respect, by the provisions of the law last mentioned, with this difference only, that instead of notifying the district attorneys of the United States, the said courts, or the presiding judge as aforesaid, shall, before exercising said authorities, cause reasonable notice to be given to the substitute or deputy, who may have been appointed to sue or prosecute for the United States, as aforesaid, that he may have an opportunity of showing cause against the mitigation or remission of such fine, penalty, or forfeiture.

SEC. 4. *And be it further enacted*, That the district court of the United States shall have cognizance, concurrent with the courts and magistrates of the several States, and the circuit courts of the United States, of all suits at common law, where the United States, or any officer thereof, under the authority of any act of Congress, shall sue, although the debt, claim, or other matter in dispute, shall not amount to one hundred dollars.

Approved, March 3, 1815.

RESOLUTIONS.

Resolutions, expressive of the sense of Congress of the gallant conduct of Captain Thomas Macdonough, the officers, seamen, marines, and infantry serving as marines, on board the United States' squadron on Lake Champlain.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and the same are hereby, presented to

Resolutions.

Captain Thomas Macdonough, and, through him, to the officers, petty officers, seamen, marines, and infantry serving as marines, attached to the squadron under his command, for the decisive and splendid victory gained on Lake Champlain, on the eleventh of September, in the year one thousand eight hundred and fourteen, over a British squadron of superior force.

Resolved, That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and to present them to Captain Macdonough and Captain Robert Henly, and also to Lieutenant Stephen Cassin, in such manner as may be most honorable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers of the Navy and Army serving on board, and a sword to each of the midshipmen and sailingmasters, who so nobly distinguished themselves in that memorable conflict.

Resolved, That the President of the United States be requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant Peter Gamble, and of Lieutenant John Stansbury, and to communicate to them the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country.

Resolved, That three months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, marines, and infantry serving as marines, who so gloriously supported the honor of the American flag on that memorable day.

Approved, October 20, 1814.

Resolution, empowering the Joint Library Committee of Congress to contract for the purchase of Mr. Jefferson's library.

Resolved, &c., That the Joint Library Committee of the two Houses of Congress be, and they are hereby, authorized and empowered to contract, on their part, for the purchase of the library of Mr. Jefferson, late President of the United States, for the use of both Houses of Congress; and that the committee lay the terms of said contract before Congress, for their ratification.

Approved, October 21, 1814.

Resolution, expressive of the sense of Congress relative to the victory of the Peacock over the Epervier.

Resolved, &c., That the President of the United States be requested to present to Captain Lewis Warrington, of the sloop of war Peacock, a gold medal, with suitable emblems and devices, and a silver medal, with like emblems and devices, to each of the commissioned officers, and a sword to each of the midshipmen, and to the sailing master, of the said vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew,

in the action with the British brig Epervier, on the twenty-ninth day of April, in the year one thousand eight hundred and fourteen, in which action the decisive effect and great superiority of the American gunnery were so signally displayed.

Approved, October 21, 1814.

Resolution, expressive of the sense of Congress relative to the capture of the British sloop Reindeer, by the American sloop Wasp.

Resolved, &c., That the President of the United States be requested to present to Captain Johnston Blakely, of the sloop Wasp, a gold medal, with suitable devices, and a silver medal, with like devices, to each of the commissioned officers, and also a sword to each of the midshipmen, and the sailingmaster, of the aforesaid vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew, in the action with the British sloop of war Reindeer, on the twenty-eighth of June, in the year one thousand eight hundred and fourteen; in which action determined bravery and cool intrepidity, in nineteen minutes, obtained a decisive victory, by boarding.

Approved, November 3, 1814.

Resolutions, expressive of the sense of Congress of the gallantry and good conduct with which the reputation of the arms of the United States has been sustained by Major General Brown, Major General Scott, Major General Porter, Major General Gaines, Major General Macomb, and Brigadiers Ripley and Miller.

Resolved, &c., That the thanks of Congress be, and they are hereby, presented to Major General Brown, and, through him, to the officers and men, of the regular army, and of the militia, under his command, for their gallantry and good conduct in the successive battles of Chippewa, Niagara, and Erie, in Upper Canada, in which British veteran troops were beaten and repulsed by equal or inferior numbers; and that the President of the United States be requested to cause a gold medal to be struck, emblematical of these triumphs, and presented to Major General Brown.

Resolved, That the President of the United States be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to Major General Scott, in testimony of the high sense entertained by Congress of his distinguished services in the conflicts of Chippewa and Niagara, and of his uniform gallantry and good conduct in sustaining the reputation of the arms of the United States.

Resolved, That the President of the United States be requested to cause gold medals to be struck, with suitable emblems and devices, and presented to Brigadier General Ripley, Brigadier General Miller, and Major General Porter, in testimony of the high sense entertained by Congress of their gallantry and good conduct in the several conflicts of Chippewa, Niagara, and Erie.

Resolutions.

Resolved, That the thanks of Congress be, and they are hereby, presented to Major General Gaines, and, through him, to the officers and men under his command, for their gallantry and good conduct, in defeating the enemy at Erie on the fifteenth of August; repelling, with great slaughter, the attack of a British veteran army, superior in number; and that the President of the United States be requested to cause a gold medal to be struck, emblematical of this triumph, and presented to Major General Gaines.

Resolved, That the thanks of Congress be, and they are hereby, presented to Major General Macomb, and, through him, to the officers and men of the regular army under his command, and to the militia and volunteers of New York and Vermont, for their gallantry and good conduct in defeating the enemy at Plattsburg, on the eleventh of September; repelling, with one thousand five hundred men, aided by a body of militia and volunteers from New York and Vermont, a British veteran army, greatly superior in number; and that the President of the United States be requested to cause a gold medal to be struck, emblematical of this triumph, and presented to Major General Macomb.

Approved, November 3, 1814.

Resolution, requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer.

It being a duty, peculiarly incumbent in a time of public calamity and war, humbly and devoutly to acknowledge our dependence on Almighty God, and to implore his aid and protection: Therefore,

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint committee of both Houses wait on the President of the United States, and request that he recommend a day of public humiliation, prayer, and fasting, to be observed by the people of the United States with religious solemnity, and the offering of fervent supplications to Almighty God for the safety and welfare of these States, his blessing on their arms, and a speedy restoration of peace.

Resolution, for furnishing the American Antiquarian Society with a copy of the Journals of Congress, and of the documents published under their order.

Resolved, &c., That one copy of the public Journals of the Senate and House of Representatives, and of the documents published under the orders of the Senate and House of Representatives, respectively, which have been, or shall be, published by virtue of a resolution of the Senate and House of Representatives, passed at the last session of Congress, be transmitted to the Executive of the Commonwealth of Massachusetts, for the use and benefit of the American Antiquarian Society of the said Commonwealth.

Approved, December 1, 1814.

Resolutions, expressive of the high sense entertained by Congress of the patriotism and good conduct of the people of Louisiana and of New Orleans, during the late military operations before that city.

Resolved, &c., That Congress entertain a high sense of the patriotism, fidelity, zeal, and courage, with which the people of the State of Louisiana promptly and unanimously stepped forth, under circumstances of imminent danger from a powerful invading army, in the defence of all the individual, social, and political rights held dear by man. Congress declare and proclaim that the brave Louisianians deserve well of the whole people of the United States.

Resolved, That Congress entertain a high sense of the generosity, benevolence, and humanity, displayed by the people of New Orleans, in voluntarily affording the best accommodations in their power, and giving the kindest attentions, to the wounded, not only of our own army, but also to the wounded prisoners of a vanquished foe.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to his Excellency, the Governor of Louisiana, accompanied with a request that he cause the greatest possible publicity to be given to them, for the information of the whole people of Louisiana.

Approved, February 22, 1815.

Resolutions, expressive of the high sense entertained by Congress of the gallantry and good conduct of Commodore D. T. Patterson, and Major D. Carmick, and of the officers, seamen, and marines, under their command, in the defence of New Orleans.

Resolved, &c., That Congress entertain a high sense of the valor and good conduct of Commodore D. T. Patterson, of the officers, petty officers, and seamen, attached to his command, for their prompt and efficient co-operation with General Jackson, in the late gallant and successful defence of the city of New Orleans, when assailed by a powerful British force.

Resolved, That Congress entertain a high sense of the valor and good conduct of Major Daniel Carmick, of the officers, non-commissioned officers, and marines, under his command, in the defence of the said city, on the late memorable occasion.

Approved, February 22, 1815.

Resolutions, expressive of the thanks of Congress to Major General Jackson, and the troops under his command, for their gallantry and good conduct in the defence of New Orleans.

Resolved, &c., That the thanks of Congress be, and they are hereby, given to Major General Jackson, and, through him, to the officers and soldiers of the regular army, of the militia, and of the volunteers, under his command, the greater proportion of which troops consisted of militia and volunteers, suddenly collected together, for their uniform gallantry and good conduct, conspicuously displayed against the enemy, from the time of his landing before New Orleans until his

Resolutions.

final expulsion therefrom; and particularly for the valor, skill, and good conduct, on the eighth of January last, in repulsing, with great slaughter, a numerous British army, of chosen veteran troops, when attempting, by a bold and daring attack, to carry by storm the works hastily thrown up for the protection of New Orleans; and thereby obtaining a most signal victory over the enemy, with a disparity of loss, on his part, unexampled in military annals.

Resolved, That the President of the United States be requested to cause to be struck, a gold medal, with devices emblematical of this splendid achievement, and presented to Major General Jackson, as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major General Jackson, in such terms as they may deem best calculated to give effect to the objects thereof.

Approved, February 27, 1815.

A Resolution, directing the manner of providing stationery, and procuring the printing, for the Senate and House of Representatives.

Resolved, &c., That the Secretary of the Senate and the Clerk of the House of Representatives be directed, immediately after the adjournment of the present, and each succeeding, Congress, to advertise, three weeks successively, in two newspapers printed in the District of Columbia, for proposals for supplying the Senate and House of Representatives, during the succeeding Congress, with the necessary stationery and printing; which advertisement shall describe the kind of stationery and printing required; and that the proposals to be made be accompanied with sufficient security for their performance. And it shall be the duty of the Secretary and Clerk

aforesaid, in the month of April thereafter, to notify the lowest bidder or bidders (whose securities are deemed sufficient) of the acceptance of his or their proposals: *Provided*, That this resolution shall not be so construed, as to prevent the Secretary and Clerk aforesaid from contracting for separate parts of the supplies of stationery and printing required to be furnished.

Approved, March 3, 1815.

Resolutions, relative to the distribution of the Laws of the United States.

Resolved, &c., That the Secretary of State cause to be distributed, among the members of the present Congress, copies of the laws of the United States, ordered by law to be printed, as soon as the same shall be completed.

Resolved, That so many of the remaining copies of the laws as are not already directed to be distributed, be deposited in the Congressional Library.

Approved, March 3, 1815.

Resolution, for the appointment of a joint committee to wait upon the President, and request that he recommend a day of thanksgiving to Almighty God, for restoring to these United States the blessings of peace.

Resolved, &c., That a joint committee of both Houses wait upon the President of the United States, and request that he recommend a day of thanksgiving, to be observed by the people of the United States, with religious solemnity, and the offering of devout acknowledgments to Almighty God, for his great goodness, manifested in restoring to these United States the blessing of peace.

LANGDON CHEVES,

Speaker of the House.

JOHN GAILLARD,

President of the Senate.